

**"THE INFLUENCE OF NATIVE POLICY ON RELATIONS**

---

**BETWEEN**

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**THE COLONIAL AND IMPERIAL AUTHORITIES**

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**AT THE CAPE. 1872 - 1878"**

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**A THESIS PRESENTED FOR  
THE DEGREE OF MASTER OF ARTS IN HISTORY  
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**by**

**F. M. WALLACE. B.A. (UNIVERSITY OF SOUTH AFRICA).**

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## CHAPTER 1.

In the complexity of South African history lies much of its interest. Cape affairs in the 1870's were complicated by those of Natal and the independent Dutch republics and also by the fortunes of Griquas and Basotho (Basuto) on the Northern borders, by the movements of native tribes on the Eastern frontier. Within the colony lived subjects of Dutch, British and African descent who were guarded from external danger by the British navy and from frontier invasions by British troops.

The British connection was still maintained despite the mid-nineteenth century tendency which had been to look upon the colonies as survivals from a merchantilist era, unnecessary since the triumph of free trade principles.<sup>(1)</sup> Responsible government, the control of the executive by an elected legislature had been granted in Canada, 1846 and in the Australian colonies in 1855. Though men such as Lord Durham, Lord John Russell and Lord Elgin had thought that independent colonies might still retain a vital connection with Britain<sup>(2)</sup>, after 1855 utilitarians were prepared to see Imperial bonds weaken.<sup>(3)</sup> Permanent officials at the Colonial office, Herman Merivale when Under Secretary for Colonies and Sir Frederick Rogers after him, looked forward to a time when Britain would "shake off all responsibly governed colonies."<sup>(4)</sup>

A movement to lessen the expense of garrisons stationed in the colonies may be associated with the view which was held, for instance by Cobden, that the colonies were not of military advantage to Britain. In 1859 a committee of representatives from the Colonial office, the War Office and the Treasury examined the matter of Imperial defence and recommended that colonies which were not Imperial military posts should subscribe towards the cost of Imperial troops and make efforts to strengthen local militia. When the report of a Select Committee of the

(1) Carrington - "The British Overseas" - Page 529.

(2) Egerton - "A Short History of British Colonial Policy"- Page 300 foll.

(3) Carrington - Ibid - Page 529.

(4) Carrington - Ibid - Page 531.

House of Commons on Colonial Military Expenditure (1861) was accepted by parliament and the colonial office, it was apparent that Britain contemplated relinquishing control of native policy in colonies where she might relinquish the task of defence.<sup>(1)</sup>

The situation in South Africa with regard to responsible government, was more difficult than in Canada, Australia or even New Zealand. There was a native problem in New Zealand, but the ratio of colonists to Maoris was 5 to 1, and the extent of the Maori power was known. Two of the four European communities in South Africa were outside British control, in three the natives outnumbered the colonists, and none of them could carry out a policy which would not affect the others.<sup>(2)</sup>

In 1867 a new arrangement was announced by which the Cape, which paid at the time only £10,000 towards its defence, should have instead of five battalions, four, of which the strength of one battalion was to be divided between Natal and St. Helena. For the three remaining, there would be no charge in 1867, in 1868 two were to be furnished without cost and the other paid for at the Australian rate of £40 per man. This was to be the charge in 1869 for all infantry in excess of one battalion. For the next three years payment was to be made for the whole force at the Australian rate, and Britain might withdraw the troops if payment was not made.<sup>(3)</sup>

The Governor at the Cape, Sir Philip Wodehouse, was in favour of strengthening the executive rather than granting responsible government, but his proposals were rejected in 1867, and Britain decided not to withdraw troops for the time being.<sup>(4)</sup> In 1869 the Secretary of State for colonies wrote that British troops could not be retained for colonial purposes and would be gradually withdrawn except for one regiment to defend Simonstown. One regiment was to be withdrawn in 1870, another in 1871-1872 and the Cape Mounted Rifles to be disbanded as soon as possible. Colonial defence was to be left to the Frontier Armed and Mounted Police (F.A.M.). It was plain that he foresaw a

(1) de Kiewiet - "British Colonial Policy and the South African Republics" - Page 211., 213

(2) de Kiewiet - Ibid - Page 213., 217

(3) "S.A. Cape Responsible Government 1852-1878" Correspondence re Establishment of Responsible Government at the Cape and Withdrawal of Troops. 181. January 26th, 1867 - Carnarvon to Wodehouse. Page 1.

(4) de Kiewiet - Ibid - Page 220.-221

responsible ministry in control of a local defence force.<sup>(1)</sup>

Wodehouse's views on the proposed changes are interesting in the light of later events. He objected that defence should be what was necessary and not subject to a pecuniary bargain between the Cape and Imperial governments. Defence should be adequate or altogether withdrawn.<sup>(2)</sup> He considered the colonists unfit to control native policy and thus for responsible government,<sup>(3)</sup> and thought that the troops should be retained and the power of the governor left undiminished.

However, if responsible government were granted he believed troops should be withdrawn and the colony left to bear the responsibility for injudicious policies. He realised that a responsible ministry over which the Imperial government could not exercise any control would have to advise about troops, and a Governor as Commander-in-Chief of British troops would be in the awkward position of being obliged to receive advice, possibly against his own judgment.<sup>(2)</sup>

He was aware that the interests of Natal and the Cape were the same as far as native policy was concerned. He pointed out that the natives in Natal, Transkei, Basutoland and the Cape Colony should be regarded as "one mass, as regards all questions on which the interests of Natives and Europeans are widely opposed." Control of Natal could not be separated from that of the Cape and it would be impossible to leave a small body of 400 troops in Natal without support if Imperial troops were withdrawn from the Cape.<sup>(4)</sup>

Closely associated with the matter of responsible government at the Cape was that of federation. The idea of federating the states and colonies in South Africa had begun to be entertained by the Colonial Office after 1866.<sup>(5)</sup> It was hoped that Britain might be relieved of the cost of garrisoning the Cape if responsible government were granted,

- (1) A.2. 1870 - December 9th, 1869 - Granville to Wodehouse.
- (2) "S.A. Cape Responsible Government - 1852 - 1878" - Correspondence re Establishment of Responsible Government at the Cape and Withdrawal of Troops. 181. - July 16th, 1867 - Wodehouse to Buckingham. Page 6.
- (3) Ibid - January 17th, 1870 - Wodehouse to Granville. p.17.
- (4) Ibid - April 2nd, 1870 - Wodehouse to Granville. p.3.
- (5) "Cambridge History of British Empire" Vol.8. Page 430.

and that the colony might federate with Natal and the Republics. A federal government might then be responsible for defence and all internal affairs.<sup>(1)</sup> Withdrawal of troops, responsible government and federation may be considered the aims of British policy towards the Cape in the 1870's.

The lack of interest in colonies in the 1850's may be illustrated by the abandonment of the Orange River Sovereignty and the Conventions made in 1852 and 1854 with the Dutch farmers beyond the Orange River. By these the inhabitants of the Orange Free State and South African Republic obtained their independence from British control. By the Sand River Convention of 1852 Britain pledged non-interference and disclaimed alliances with the tribes North of the Vaal River. By that of 1854 the Griquas were left to their own resources.<sup>(2)</sup>

The short-sightedness of a policy which had sought to limit British expansion in South Africa, soon began to be criticised. Sir George Grey thought the conventions particularly mischievous because boundaries had been left unsettled and outstanding questions with neighbouring tribes had caused constant difficulties. He thought Britain had been placed in an unfortunate position with regard to native tribes in South Africa. She was debarred from making treaties while the republics could make any they thought proper. She was bound to prevent native tribes from obtaining supplies of arms and ammunition while bound to permit the inhabitants of the republics to obtain such supplies, regardless of the object for which they might be used.<sup>(3)</sup>

Transvaal action had led to Grey's complaints. Pretorius had attacked a Bakwena chief and sent an ultimatum calling upon him to disarm and close the road to the North against English traders.<sup>(4)</sup> Attacks had been made on the Baralong in 1853 and the Batlapin who occupied land as far East as the Maquassi Spruit.<sup>(5)</sup> Missionaries were disturbed

- (1) de Kiewiet - "British Colonial Policy and The South African Republics" - Page 297.
- (2) Eybers - "Select Constitutional Documents Illustrating South African History 1795-1910" - Page 281.
- (3) "S.A. Cape Responsible Government - 1852-1858" - Copies of Extracts of Correspondence between the Colonial Office and Governor Sir George Grey respecting his recall from the Cape of Good Hope. 216. November 19th, 1858 - Grey to Bulwer Lytton. Page 5.
- (4) Agar-Hamilton - "The Road to the North" - Page 20.
- (5) Ibid - Page 22.

in their labours, Livingstone whose house was sacked, Edwards and Inglis who were expelled from the Marico. In December 1858 Moffat of the L.M.S. complained of not being allowed to visit Umzilikazi without a pass from the Transvaal.<sup>(1)</sup>

The Colonial office, unsympathetic to Grey's scheme for federation, were extremely suspicious of his complaints, but they were echoed in the Cape press in 1859. The rumour of an attack to be made on the L.M.S. station of Kuruman awakened Cape merchants to the danger that the Transvaal might close the Northern road to traders. Seeing a threat to their Northern trade, and the powerlessness of the British government in the face of the conventions, a section of Cape opinion began to hope for a reversal of British policy. The conventions were denounced in the Cape papers.<sup>(2)</sup> It was agreed that the election of Pretorius as President of the O.F.S. was a violation of the conventions, allegations of slavery were made against the Transvaal.<sup>(3)</sup> If it could be proved that the agreement had been violated, Britain would be relieved of the necessity of abiding by it.

The discovery of gold at Tati in 1868 led to a campaign for annexation of the Transvaal and an attack on the Republic for alleged slavery. An Eastern province member made a plea for federation of Natal, Transvaal, O.F.S. and the Eastern and Western provinces.<sup>(3)</sup>

On 29th April, 1868, Pretorius proclaimed that the Transvaal extended to Lake Ngami and Kuruman and to Delagoa Bay. Southey, Colonial Secretary wrote to Sir George Barrow that the Transvaal had absorbed the territory of friendly natives through which passed the road to the interior, and was likely to interfere with trade from the Cape. He pressed the point that slavery was carried on in the Transvaal under the name of "apprenticeship". Southey had great weight with the Colonial office on account of his long experience and local knowledge. Sir Frederick Rogers minuted that if slavery could be proved he "should not much hesitate to declare his government no longer bound by the treaties", though "the case should be strong and they should have an opportunity of replying to it"<sup>(4)</sup>

- (1) Agar Hamilton - "The Road to the North" - Page 28.
- (2) Ibid - Page 32
- (3) Ibid - Page 43
- (4) Ibid - Page 45

The British government may be considered to have modified its former attitude by 1866 and begun to think of abrogating the Conventions. This is indicated by the reception of the Basotho as British subjects in 1868, the discouragement of Pretorius' efforts to aggrandise the Transvaal, and the refusal to recognise the right of Portugal to Delagoa Bay.<sup>(1)</sup>

The interests of colonists favoured the policy of expansion and further annexation. Cape traders had benefited from ever increasing contact with native tribes, and from the wars waged on the Eastern frontier. Colonists benefited from a policy of expansion as they acquired fresh land for settlement. The demand for labour noticed in the 1820's<sup>(2)</sup> increased as more land became available for Europeans.

The interests of the natives were championed against the rapacity of the colonists by various missionaries. Dr. Philip aimed to preserve adequate land first for Hottentots,<sup>(2)</sup> and later for natives on the Eastern frontier and Griquas in the North.

After his tour of 1841-1842 Dr. Philip became increasingly aware of the danger to the Griquas from Boers trekking from the colony and Natal,<sup>(3)</sup> and advocated annexation of the land to the tropics by the British government. When it was clear that this course would not be adopted he pressed for treaties with the Griquas. Treaties were made with Adam Kok and Moshesh in 1843 but they failed in their object as there were no adequate courts to decide disputes between Boers and natives.<sup>(4)</sup> A fresh treaty was made with Kok in 1846 which attempted to set aside part of the Griqua lands as inalienable and prevent a mixture of black and white in the same areas and the displacement of the Griquas.<sup>(5)</sup> However Sir Harry Smith's annexation of the Orange River Sovereignty in 1848 deprived Adam Kok of the lands secured to him except the inalienable reserves.<sup>(6)</sup> and the experiment ended when the Conventions were made with the Republics and the Griquas were left to their own devices.

(1) "Cambridge History of the British Empire" South Africa - Chapter AVIII. Vol. 2. p 419

(2) Philip - "Researches in South Africa" Vol. 1. p 260

(3) Macmillan - "Bantu Boer and Briton" - Page 197.

(4) Ibid - Page 215

(5) Ibid - Page 222

(6) Ibid - Page 272

On the eastern frontier, the policy followed after 1847 of allowing black and white to live together in the same regions was the opposite of that for which Dr. Philip had striven in the interests of the natives. New tracts of land were included in the colony by the extension of the boundary to the Kei River in 1847<sup>(1)</sup> following the war of 1846. The Ngqika (Gaika) were moved from their homes in the valleys of the Amatola Mountains and the Tyumie and Keiskamma Rivers to a more open tract of country between King Williamstown and Queenstown.<sup>(2)</sup> The vacated area was settled with Mfengu (Fingo) and European soldier settlers and became known as the district of Victoria East.<sup>(3)</sup>

After the conquest of the Xhosa in 1853 the process was repeated in British Kaffraria. Mfengu were given land in the King Williamstown division. Europeans were settled in the lands confiscated from the Kat River Hottentots who had joined the rebels in 1851 and on strips of land round forts in Kaffraria which were allotted on military tenure.<sup>(4)</sup> Territory occupied by the Thembu was included in the Cape Colony as the district of Queenstown, and the people, deprived of much of their land were gathered into the Thembu location.<sup>(5)</sup> Europeans were settled on about 400 farms in the district so that there would be a buffer between Kaffraria and the Colony.<sup>(4)</sup>

Confiscations of land followed the cattle killing episode of 1857. In the King Williamstown district 1,000 men of the German legion were settled, with their Irish wives.<sup>(6)</sup> The Gcaleka were driven beyond the Bashee River and a large portion of their territory settled with natives who were moved into the Transkei from the colony.<sup>(7)</sup> The newly settled regions were known as Fingoland, where Mfengu were given land, Emigrant Tembuland, where some Thembu from the Queenstown location, which it had been proposed to vacate, were settled, and the Idutywa Reserve where a mixed collection

(1) Proclamation - December 23rd, 1847.

(2) Memorandum on Sandile of Brownlee - Enclosures June-December, 1878. G.H. 28/100.

(3) Macmillan - "Bantu Boer & Briton" - Page 265 foll.

(4) Ibid - Page 292.

(5) S. van der Horst - "Native Labour in South Africa" - Page 22.

(6) Macmillan - "Bantu Boer & Briton" - Page 295.

(7) A.7. 1878 - Memorandum on Gcaleka of Brownlee. p 88-89



of native people were located.<sup>(1)</sup> The Gcaleka were allowed to return to the region between the Kei and the Bashee after 1862, and it rapidly filled up with members of the tribe some of whom had gone into service in the colony after 1857.<sup>(2)</sup>

Further settlements took place in Nomansland, a region which adjoined Natal and the Pondo territory and had been ceded by the Pondo in 1861. Here were located Adam Kok and a few hundred people from Philippolis who had been promised a place to live when the Bloemfontein Convention was made in 1864, and Basotho under Lebenya, Mfengu under Zibi and Batlokoa under Lehana.<sup>(3)</sup>

Since these changes deprived the natives of land on which they were living or which would have provided for the natural increase of population it is apparent that they threatened to disrupt the old form of society. Thus the main interests of the chiefs were land and independence.

Relations between the Cape and Imperial governments from 1872-1878 were largely influenced by the British desire to place upon the colonists the responsibility for native policy and defence and to federate the states and colonies in South Africa.

Resistance was shown to British policies when they threatened to involve the Cape in expense, and to change a condition of affairs which was regarded as satisfactory. Though they were not directly involved in a constitutional sense the presence of the natives within and beyond the colony influenced most perceptibly the colonial Imperial relations since the Governor had special powers conferred on him in virtue of the High Commission, and since they made it impossible for Great Britain to withdraw from responsibility for South African affairs.

- (1) A.12. 1873 - Memorandum of Orpen. Select Committee on Native Affairs - May 27th, 1873.
- (2) A.7. 1878 - Memorandum on Gcaleka of Brownlee. p.88-89
- (3) Report of Select Committee on Native Affairs 1873. (A.12. 1873. p.xi)



## CHAPTER 11

### NATIVE POLICY.

The natives living in the Eastern districts of the Cape Colony and beyond the Kei frontier to Natal belonged to four main tribal divisions of the South Eastern Bantu, the Thembu, Mpondomise, Mpondo and Xhosa, to place them in order of seniority.<sup>(1)</sup>

In 1872 British influence among the tribes in the Transkei and responsibility towards them varied considerably. The Mpondo, subordinate to whom were the Xesibe, had previously ceded a portion of their territory to the British government, were allied by treaty and the chief subsidised.<sup>(2)</sup> In actual fact they were quite independent and considered to have an exaggerated idea of their own importance, little respect for Christianity or civilisation, and to be unlikely to invite the restraints of civilised government.<sup>(3)</sup> Mpondo intrigue was recognised as being at the base of most of the quarrels and feuds which distracted the neighbouring tribes.<sup>(2)</sup> Adjoining the Mpondo were the Bomvana under the chief Moni who bore no relation to the government except possibly as an adherent of Rhili ("Kreli") the Gcaleka chief.<sup>(2)</sup>

The Griquas who lived in Nomansland had occupied the territory as British subjects and had large numbers of natives, also British subjects, subordinated to them as a ruling class.<sup>(2)</sup> Though the original intention had been that Adam Kok should rule over his people for a time, he had been left uncontrolled and irresponsible to rule on British territory, by government appointment, since his position as an elected chief had been made permanent owing to British support, tribes many times the number of his own people, consisting of some 8000 - 10000 fighting men.<sup>(4)</sup> It was hoped that the Griquas would help to civilise the tribes around them, but this did not occur as they retrogressed in contact with less civilised people.<sup>(5)</sup>

(1) Holden - "The Past and Future of the Kaffir Races" - Page 142.

(2) A.12. 1873 - Memorandum of Crpen. Page 11.

(3) G.H. 1/73 - July 19th, 1876 - Memorandum of Shepstone.

(4) G.27. 1874. Page 50.

(5) G.H. 23/32 - August 23rd, 1872 No.101 - Barkly to Kimberley.

There was no resident government official with the Griquas, with the natives under Lebenya, Lehana and Zibi, nor with the other tribes who lived on territory ceded by the Mpondo, Baca, Mfengu and Mpondomise under Mhlontlo ("Umhlonthlo") and Mditshwa ("Umditchwa"). (1)

The Thembu were ruled by their chief Ngangelizwe ("Gangaliswe") who was subsidised by the colony and had a Resident living with him. (1) They were reported to be industrious and to desire to improve their social condition by acquiring European habits and customs. (2)

The Xhosa were thought to have been a consolidated people for the past three hundred years and to have escaped the vicissitudes to which most other tribes were subject during that time. This fact may account for the strength of the tribal feeling which had survived almost a hundred years of intermittent war with the colony. There were two main sections of the tribe known as the Gcaleka (Galeka) and Ngqika people. The Paramount Chief was Rhili who was regarded with a sort of sacred and religious veneration on account of his position by tribes for many years virtually independent of his authority. Some of the Gcaleka had been brought under the colonial government by the extension of the frontier to the Kei. The chief of the Ngqika section of the tribe, which lived within the colony, was Sandile ("Sandilli"). (3)

Missionaries had had less success among the Xhosa than with the Mfengu, Basotho or Thembu and as a people they clung to their chiefs and national customs. Rhili's bearing was independent, witchcraft flourished in Galekaland where the people were rich in sheep and cattle but there were no signs that progress in civilisation had been made. The chief was known to object to his people taking to civilised customs. (4) A Resident was stationed at his kraal, but authority had been only slightly exercised over Rhili since his return to his country in 1862. (1)

Magistrates and police were stationed in Fingoland, Emigrant Tembuland and the Idutywa Reserve, though no taxes were collected. (1) The Mfengu were remnants of broken tribes which had received preferential treatment during the preceding

(1) A.12. 1873 - Memorandum of Orpen. Page 11.

(2) G.44. 1872 - Report (further) on Social & Political Condition of Natives in Transkeian Territory.

(3) G.21. 1875 - Page 124.

(4) G.34. 1873 - Page 1.

2 forty years. Missions among them had had some success and despite the opposition of chiefs, some Mfengu had taken up individual titles to plots of land granted in colonial locations.<sup>(1)</sup> Those who had moved to the Transkei were reported to be loyal to the government and anxious to advance in civilisation. They had subscribed £700 towards the cost of roads in Fingoland and £100 for a medical man to reside among them.<sup>(2)</sup>

The condition of the Emigrant Thembu was described as not worse than that of heathen Thombu or Mfengu in the colony, leaving much room for improvement.<sup>(2a)</sup> The people were socially in an uncivilised state and witch doctors were active among them.<sup>(3)</sup> They had been moved from the colony under the condition that their hereditary or superior chiefs were to have no power over them but that they would be subordinate to a magistrate.<sup>(3a)</sup> They did not desire annexation to the colony, having a dread of colonial laws and taxpaying. A superficial report from the Idutywa Reserve said the people were steadily advancing in civilisation but there was need for a resident European missionary.<sup>(2b)</sup>

The purpose of the Imperial government in extending the frontier and removing and settling many tribes, may be considered to have been to keep the colony safe from attack. For this reason the Ngqika had been moved from their ancestral home and Mfengu friendly to the colony located in their stead in the King Williamstown and Queenstown districts. Tribes were separated from one another by grants of land to Europeans and warlike tribes were purposely separated from each other.<sup>(4)</sup> The location of the semi-civilised Griquas in Nomansland was considered to be a military advantage to the colony, which was recognised when the question of greater control over the Griquas<sup>(5)</sup> and the annexation of Nomansland was discussed.<sup>(6)</sup> The annexation of Basutoland which took place in 1871 was an advantage in the military sense.<sup>(7)</sup> Shepstone thought control of the region would "place in the hands of the government the key of all South

(1) G.12. 1877. Page 134 and 135.

(2) G.41. 1872. Page 2. (2a) G.41. 1872. Page 3.  
(2b) G.41. 1872. Page 6.

(3) G.27. 1874. Page 62. (3a) G.27. 1874. Page 135.

(4) G.H. 23/31 - September 14th, 1871 No.106 - Barkly to Kimberley.

(5) G.H. 23/32 - March 12th, 1875 No.30 - Barkly to Carnarvon.

(6) G.21. 1875. Page 130.

(7) Act. No.12. 1871.

African politics" so far as natives were concerned.<sup>(1)</sup>

Events in the Transkei led to the assumption of further control by the colonial government, in the interests of peace. Boundary disputes between the Mpondo and their neighbours threatened to disturb the frontier in 1872 <sup>(2)</sup>

A quarrel between Rhili and Ngangelizwe which their Residents could not compose led to fighting in which a strip of land on the Thembu border was devastated by the Gcaleka. <sup>(3)</sup>

There was alarm on the frontier and the Frontier Mounted Police (F.A.M.) were concentrated at Komgha. <sup>(4)</sup> Defeated by Rhili, Ngangelizwe asked to be taken over with his tribe as British subjects, but the offer was not accepted and was withdrawn when the Gcaleka consented to evacuate the country. <sup>(5)</sup>

A commission was appointed to settle the dispute with the Mpondo and enquire into the situation in Nomansland, <sup>(2)</sup> and another to investigate the quarrel between Rhili and Ngangelizwe. <sup>(4)</sup> It was hoped that the boundary arrangements would last for the time being and that the new responsible ministry would undertake the matter of the Transkei. The commission recommended that the whole of Adam Kok's territory should be brought under British rule without delay as the country was in a deplorable state. <sup>(6)</sup> They also advised the extension of British control over all the Transkei tribes except the Mpondo. Sir Henry Barkly did not recommend that the proposals should be adopted since the colony was on the eve of responsible government and its claims for British assistance in regard to past transactions would be strengthened if Britain assumed further control in the Transkei. A resolution affirming the advisability of annexing the Transkei had been defeated in the Assembly. <sup>(6)</sup>

The Governor hoped that a responsible ministry would not attempt to solve the problem of relations with native tribes by arbitrary interference or fruitless threats and would continue the firm yet cautious policy of his predecessors. <sup>(4)</sup> In the end the slowness of the government in assuming control led to inconvenience and war.

(1) C.I. 1871. Page 3.

(2) G.H. 23/31 - January 1st, 1872 No.5 - Barkly to Kimberley.

(3) G.H. 23/32 - October 17th, 1872 No.118 - Barkly to Kimberley.

(4) G.H. 23/32 - November 4th, 1872. No.125 - Barkly to Kimberley.

(5) G.H. 23/32 - January 15th, 1873 No.11 - Barkly to Kimberley.

(6) G.H. 23/32 - August 23rd, 1872 No.101 - Barkly to Kimberley.

The memoranda for the Select Committee for native affairs in 1873 lay stress on the legal position of many Transkei tribes as British subjects. The purpose seems to have been to bring to public notice the responsibilities already incurred there by the British government and the need for further control in the area. It is clear that the authority exercised over Ngangelizwe and Rhili by their respective Residents was slight but the condition of the people was regarded as better than that of the Mpondo, Mpondomise, Baca and Xesibe described as "sunk in the very lowest depths of barbarism, practising all the worst and most revolting heathen customs." (1)

In 1873 Mr. J. Orpen<sup>(2)</sup> was appointed as magistrate in Nomansland to take charge of Zibi, Lebenya and Lehana, and thus extend government influence in the rear of the Thembu and Gcaleka.<sup>(3)</sup> As a result control was assumed over the Mpondomise, Mditshwa and Mhlontlo at their request, to prevent the aggressions of the Mpondo and curb the influence of this tribe.

Adam Kok enquired in 1874 what position he was in future to occupy and seemed ready for his country to be annexed, as was the Cape government.<sup>(4)</sup> But no effective control was assumed till 1876 when Captain Blyth became magistrate in East Griqualand. The delay caused a certain amount of opposition after the death of Adam Kok.<sup>(5)</sup> Trouble was caused by land speculators from Natal and rumours were spread by Nehemiah Moshesh. This discontented chief had been influenced by reports of federation proposals to begin an intrigue with the Mpondo and others to resist a combination of the white men against the natives.<sup>(6)</sup> Captain Blyth managed to restore order with little trouble but remarked that the disaffection might have been avoided if a Resident had been placed with the Griquas in 1862 and their relationship to the government more exactly defined.<sup>(7)</sup>

- (1) A.12. 1873 - Report of Select Committee on Native Affairs. Page 113.
- (2) G.27. 1874. Page 64.
- (3) G.H. 23/32 - November 4th, 1872 No.125 - Barkly to Kimberley.
- (4) G.21 1875. Page 130 - 131.
- (5) G.H. 23/33 - April 15th, 1876 No.40 - Barkly to Carnarvon.
- (6) G.H. 23/33 - March 25th, 1876 No.32 - Barkly to Carnarvon.
- (7) G.12. 1877. Page 29.

Hostilities between Gcaleka and Thembu began again in October 1875 following a brutal assault by Ngangelizwe on one of his wives, a niece of Rhili. <sup>(1)</sup> The Thembu chiefs petitioned to be received as British subjects under government, while retaining control of their own people. Their request was acceded to but Ngangelizwe was temporarily deposed and a fine imposed upon him. Arrangements were made for the territory to be administered by a magistrate and two assistants. <sup>(2)</sup> A joint resolution of both Houses affirmed the expediency of the annexation of Tembuland. <sup>(3)</sup>

Great anxiety was caused by persistent rumours of war in 1876. They were ascribed to reports of the war being carried on by the South African Republic against Sekhukhuni and thus indirectly to the Convention of 1852. Unrest was caused in Basutoland by rumours that the territory was to be given back to the Orange Free State. <sup>(4)</sup> It was generally believed that the deposition of Ngangelizwe had caused the restlessness among the tribes, even Rhili had indicated his sympathy with the Thembu chief. <sup>(5)</sup> The sympathy of the chiefs was ascribed to a fear that they might be deposed in their turn. Feeling was particularly strong among the Thembu in the colony, especially those of the tribe of Gungubele who resented the idea of interference with a chief's powers. <sup>(6)</sup>

However, the policy pursued in the colony since 1856 and as far as possible in the Transkei, had had precisely this aim in view. After 1872 the policy of the responsible ministry was recognised as being a continuation of that inaugurated by Sir George Grey. He had realised that to leave native subjects in the colony to the jurisdiction of their ancestral chiefs was an anomaly, and introduced a new scheme in order to weaken the hold of the chiefs on their adherents. They were not arbitrarily deprived of their authority but they and their councillors received annual allowances and had to surrender fines and confiscations. They could still hear cases and give judgment but were no longer to have the power of enforcing their decisions. Dissatisfied litigants could appeal to the magistrate

- (1) Prime Ministers Office No.259 - Memorandum of Brownlee - July 7th, 1876.
- (2) G.16. 1876. Page 103.
- (3) G.H. 23/33 - July 5th, 1876 No.77 - Barkly to Carnarvon.
- (4) G.52. 1876 - Letter of Griffith. Page 7.
- (5) G.H. 23/33 - November 25th, 1876 No.145 - Barkly to Carnarvon.
- (6) Imperial Blue Book - C.2144 - Memorandum of Brownlee on Gcaleka War.

appointed over each tribe.<sup>(1)</sup> The aim was to break the power of the chiefs by the introduction of European government and contact with Europeans settled among the natives.

It was thought that these measures would afford relief to the common people from the "grinding oppression" which they had been accustomed to suffer under the despotic rule of chiefs.<sup>(2)</sup> But it may be noticed that there were limitations on the arbitrary powers of a chief. Should he attempt to carry out an unpopular policy it was possible for his people to move away to another chief. He was surrounded by councillors many of whom had a local jurisdiction over sections of the tribe, without whose advice no decisions of public importance were taken.<sup>(3)</sup> Native institutions were described to have been of a remarkably representative character by Orpen.<sup>(4)</sup> Shepstone stated that the chief was unable to go against the "voice of the people".<sup>(4)</sup> The success of the administration in Basutoland was partly attributed to the holding of annual pitsos or meetings in the Basotho fashion, where public opinion could be expressed and grievances ventilated.<sup>(5)</sup>

Incorporation in the colony had meant that colonial law was extended automatically to a region. As the policy followed was to settle Europeans and natives side by side it was obviously impossible to have one law for white people and another for black. However, allowances were made for native custom which it was impossible to change abruptly. Native law of succession operated in respect of grants of land made under individual tenure. Appeal to the governor in cases of native heirship was allowed in the districts originally constituting British Kaffraria. The administration had power to lay down by Proclamation the usages to be observed in regard to the administration and distribution of property in such native locations as might be proclaimed.<sup>(6)</sup>

It was recognised in 1871 that the extension of colonial law to regions inhabited mainly by natives, for example the Wittebergen and Thembu locations in the colony, had caused inconvenience.<sup>(2)</sup> Thus the governor was given

- (1) Prime Ministers Office No.259 - Memorandum of Brownlee - July 7th, 1876.
- (2) G.H. 23/31 - September 14th, 1871 No.106 - Barkly to Kimberley.
- (3) Holden - "The Past & Future of the Kaffir Races" - Part 2 - Chapter XV - Page 323 - 328.
- (4) J.M. Orpen - "The Native Question" - Chapter 9.
- (5) G.21. 1875. Page 3.
- (6) Rogers - "Native Administration in the Union of South Africa" 2nd Edition - Page 200.



powers of special legislation when Basutoland was annexed and enabled to apply by Proclamation such colonial laws as he should deem fit. The region was administered by the Governor's Agent, Mr. C.D. Griffith, with the assistance of three magistrates.<sup>(1)</sup>

To further diminish the powers of the chiefs, Grey had proposed to break the social system of which they were the pivot by subdividing native locations and granting individual titles to land.<sup>(2)</sup> Between 1862 and 1863, 714 grants of garden and building lots on quitrent tenure were made in the Mfengu location of Victoria East.<sup>(3)</sup> Individual grants on quitrent tenure were made in the Wittebergen reserve in 1863<sup>(3a)</sup> and in a location near Lovedale.<sup>(3b)</sup>

Under the tribal system of land tenure the basic idea was occupation by the tribe as a whole. Theoretically the land was regarded as the property of the chief who held it as a trustee of the people who occupied it and used it in subordination to him - land was not regarded as a negotiable asset. The individual tribesman, though not the owner of an allotment, had rights over it recognised under native law. He could cultivate it or not as he chose and no-one else had the right to do so, crops belonged to him personally. Though theoretically the land reverted to the chief on the death of its holder, in practice the heir succeeded to the deceased persons rights over the land allotted to a particular household.<sup>(4)</sup>

Magistrates repeatedly recommended grants of individual titles to place occupiers of land on a more secure footing,<sup>(6)</sup> or mentioned that natives felt insecure without such grants.

Missionaries, who had always regarded the chiefs as the fiercest defenders of paganism and an evil influence,<sup>(5)</sup> were in favour of this policy. Holden, the Wesleyan missionary who believed that the natives would have to become civilised or perish, thought the grant of individual titles would be an incentive to industry. He went so far as to suggest a certain amount of forced labour in return for individual grants to eradicate the habit of indolence among natives and at the same time benefit the colonists, though

(1) A.13. 1872. Page 1.

(2) Prime Ministers Office No.259 - Memorandum of Brownlee - July 7th, 1876.

(3) G.27.1874. Page 3. (3a) G.27.1874 Page 11. (3b) G.17. 1878. Page 52.

(4) Rogers - Page 96.

(5) W.B. Boyce - "South African Affairs" - Page 36.

(6)



he thought some natives might hold land without labour obligations. He seems to have had a genuine desire to promote the welfare of the natives by civilisation and more especially Christianity, and for this cause to have desired the break up of their old form of society. However, he was emphatic that ample land should be secured to them and legal title to the land.<sup>(1)</sup>

Though the scheme may be considered philanthropic by intention, since the grants of land made were small, it had the effect of obliging natives to supplement their incomes by going out to work for the colonists. An official suggested before a commission that grant of individual title would be a good plan as it would enable the land to pass into European hands.<sup>(2)</sup> Free trade in land which was allowed in the colony had the effect of dispossessing natives as will be seen in the case of Oba and in that of Gungubele.

de Kiewiet is confident that desire for native labour influenced Cape native policy.<sup>(3)</sup> The demand for labour in the 1870's was so great that schemes for introducing Indian and Chinese labourers were discussed<sup>(4)</sup> and emigrants from Portuguese East Africa and the region beyond the South African Republic were employed on railway works.<sup>(5)</sup> In 1873 magistrates were to inform natives that moral superiors would be appointed to accompany parties of 50 natives to encourage parents and missionaries to support labour recruiting. Labour bureaux were established at King Williamstown; the government offered to pay for the sea voyage from Port Elizabeth to Capetown.<sup>(6)</sup> Farmers complained of a shortage of labour due to higher wages paid at the public works and even when wages were raised.<sup>(7)</sup> Colonial desire for labour is indicated by the imposition of a hut tax on natives living on crown land in 1869 and the Location Act 6, 1876, which taxed natives living on European farms if not employed by the farmer.

Sir George Grey had seen the possibility of civilising natives by employing them on public works which

(1) Holden - Part 3 - Chapter 2. p 224 - 26

(2) G.I. 1877 - Evidence of Mr. Judge before Defence Commission. Page 70.

(3) de Kiewiet - "Imperial Factor in South Africa" - Page 157.

(4) G.H. 23/32 - August, 29th, 1874 - Barkly to Carnarvon.

(5) G.H. 23/33 - December 26th, 1876 - Barkly to Carnarvon.

(6) S. van der Horst - "Native Labour in South Africa" - Page 90.

(7) S. van der Horst - Ibid - Page 102.

would open up the country, and by establishing schools and hospitals.<sup>(1)</sup> To the cruder object of colonial defence he had added the moral aim of introducing good government and civilised habits.

The colonial administration must be considered to have had these aims in view. Officials within the colony and in the Transkei were asked to comment on the state of civilisation of the people under them and were expected to encourage civilised habits and discourage barbarous practices to the best of their ability.<sup>(2)</sup> It was hoped that the example of regions where magistrates were stationed and chiefs and people considerately treated and well governed, exempt from the disorders of other tribes, would lead to a gradual extension of colonial authority.<sup>(3)</sup> The colonial government contributed money for the advancement of education and patronised the efforts of the missionaries to elevate and enlighten the natives and raise them in the scale of civilisation.<sup>(4)</sup>

It is presumably due to the desire to Europeanise the natives and integrate them in a new society that there was remarkably little recognition of the violence which the policy of the government was offering to their old society. A realisation of the immensity of the change which it was hoped to bring about by discountenancing native customs is evident in a report of Mr. J. Orpen while magistrate with Mhlontlo in which is included an account of a conversation with the chief about practices to do with the upbringing of girls. The chief had said prohibitions would be useless as they would inevitably be disobeyed.<sup>(4a)</sup> A remark in which a rare sympathy with native custom is discernable is that of Mr. B. Shaw, magistrate with Mhlontlo at a later date, who was of the opinion that as much could be said for the custom of ukulobola as against it, and that haste in changing such a fundamental law as that pertaining to marriage and inheritance was unwise. (5)

The colonial ministry felt in 1875 that the administration of native affairs in the Cape had been a success.<sup>(6)</sup> Their claim seems to have been based mainly upon the fact that there had been no disturbances in the Transkei since the settlements made in 1873, and that the appointment of a

- (1) S. van der Horst - "Native Labour in South Africa" - Page 18
- (2) Prime Ministers Office No.259 - Memorandum of Brownlee - July 7th, 1876.
- (3) G.27. 1874 - Instruction to Magistrate appointed to Gatberg. Page 64.
- (4) G.21. 1875. Page 132-133. (4a) G.21. 1875. Page 110.
- (5) G.12. 1877. Page 51.
- (6) Vide Chapter 6.

magistrate at the Gatberg had suppressed the feuds among the Mpondomise.<sup>(1)</sup> There were other encouraging signs. Progress was noticed in Basutoland where the people had recovered from the pitiable condition to which they had been reduced by the war with the Orange Free State. However, Griffith complained that delay in ratifying the convention of Aliwal North and providing for the administration of the region had given the chiefs the opportunity of recovering their authority which had been considerably broken during the war. Material and political progress was noticed but not much improvement in the social condition of the people. Magistrates referred to the need for education, particularly of girls, if the Basotho were to advance in civilisation.<sup>(2)</sup> In 1874 there were 44 schools in Basutoland in which 1,983 children were enrolled.<sup>(3)</sup>

Despite the import of guns into the territory the Basutoland system of government was pronounced by magistrates in 1878 to have been successful. This was attributed to the isolation of the region and the fact that the Basotho had not been intermingled with European settlers. In particular the sale of spirits could be prevented by this condition. The war of 1877 produced little agitation in Basutoland.<sup>(4a)</sup>

In the Transkei the Mfengu under Captail Blyth showed signs of civilised progress. An absence of wine in the region was attributed to the lack of canteens for the sale of brandy. More land was brought under cultivation and £1,484 raised by the Mfengu for an industrial school.<sup>(5)</sup> When the school, known as Blythwood, was opened in 1878 the people had contributed £3,000 towards the cost. Self interest kept them loyal to the government.<sup>(4)</sup>

The people in Emigrant Tembuland and the Idutywa Reserve were less advanced than the Mfengu. Some progress in agriculture was reported but much seems to have depended upon the energy and tact of the magistrate. Mr. C. Levey reported the holding of an agricultural show in Emigrant Tembuland in 1876 and the subscription of £700 towards the cost of a bridge. An effort to encourage agriculture rather than pastoral farming was made by forming an association of a hundred of the more advanced natives for the improvement of themselves,

(1) G.H. 23/32 - 12th August, 1874. No.91 - Barkly to Carnarvon.

(2) G.27. 1874. Page 26 and 36.

(3) G.H. 23/32 - July 27th, 1874 No.83 - Barkly to Kimberley.

(4) G.17. 1878. Page 39. (4a) G.17. 1878. Page 4.

(5) G.27. 1874. Page 41.

their houses and their style of agriculture. The association decided to call itself "The Emigrant Tembookieland Society for Promoting Civilisation".<sup>(1)</sup> By the next annual meeting members were expected to possess square houses! Levey managed to keep the country quiet during the war and two chiefs took the field with him against the Gcaleka. He reported in 1878 that but for the war and the drought, he would have been able to report most favourably on the growth and improvement of agriculture seeing that wheat, a crop which did not fail, was produced in ten times greater quantities than in previous years.<sup>(2)</sup>

The Residents with Rhili and Ngangelizwe were less successful. They were unable to prevent hostilities in 1872 and 1875. The old customs continued and the old methods of pastoral farming. It was noticed that the increase in the Thembu population was such that the territory would be unable to support it if no change from pastoral habits took place.

Within the colony the power of the chief was thought to be steadily diminishing by 1874. Petty chiefs usually did not interfere with the control of the magistrate in the Mfengu location of Victoria East where individual titles to land had been granted and 700 men were qualified for the colonial franchise.<sup>(3b)</sup> There were seven elementary schools in the district to which the government contributed £290 per year. At the Lovedale Missionary Institution 393 pupils were enrolled of whom 32 were European boarders.<sup>(3)</sup> The government had done nothing about education in the Wittebergen Reserve though when grants of land on quitrent tenure had been made in 1863 it had been stated that the quitrents would be devoted to educational purposes.<sup>(3a)</sup>

In the King Williamstown district where lived most of the Ngqika the power of the chiefs was thought to be gradually dying out though civilising agencies were counter-acted by increasing drunkenness. Brandy could be obtained from canteens on the borders of the location. Self-interest was considered to be the motive attaching the Thembu to the government. Those in the Wodehouse division were mainly heathen as were those in the Queenstown district, described as wedded to their own customs and beliefs. Yet the influence of the chiefs was believed to have been in a large measure destroyed.<sup>(3)</sup>

- (1) G.12. 1877. Page 103.
- (2) G.17. 1878. Page 42.
- (3) G.27. 1874. Page 6.
- (3a) G.27. 1874. Page 11.
- (3b) G.27. 1874. Page 4.

The Civil Commissioner at Peddie thought the natives had advanced little in proportion to the efforts of school teachers and missionaries among them and considering the length of time they had lived surrounded by Europeans.<sup>(1)</sup>

Though such remarks indicate on the whole a gradual change in the direction desired by the government, they must be read with others which indicate a less satisfactory state of affairs. Magistrates were aware that in the locations in their districts the authority of the government was insufficiently exercised.<sup>(1)</sup> Native customs continued to be tacitly recognised though the law of the colony was in force. In the Queenstown district 1873 the magistrate was obliged to leave headmen administering areas very largely to themselves and wrote of the neglect of the Mfengu in the Kamastone and Oukraal locations who had been left to their headmen for several years past.<sup>(1)</sup> It was remarked that the lease and sale of farms to natives was a drawback to their advancement as they could continue their old mode of life and establish their old system of tribal government on such farms.<sup>(2)</sup> Very pointed remarks on the slackness of the government in native administration were made by the Defence Commissioners of 1876 who recommended that the government should take up the task of governing the colonial natives and not leave them to their own devices.<sup>(3)</sup>

In the Ngqika location Sandile had recovered much of his power by 1877. Though the region was nominally under colonial law, every process of court to be executed in the location was referred to the chief or his headmen.<sup>(4)</sup> Due to negligence on the part of the officials concerned, the Ngqika were living in their old fashion.<sup>(5)</sup> In 1867 the Civil Commissioner with the Ngqika, Mr. C. Brownlee, had been removed in order to reduce expenditure and an inexperienced young man appointed in his place. Sandile was satisfied as those people who had stood by the magistrate and ignored the chief were now obliged to submit to his authority.<sup>(6)</sup>

The lack of district and local police in and near native locations was a grave defect of the colonial administration. A law of 1873 enabling district councils to organise

(1) G.27. 1874. Page 63.

(2) G.17. 1878. Page 50.

(3) G.1. 1877. Report of Defence Commission. Page 14.

(4) Molteno Papers. Page 99 - November 25th, 1877 - Frere to Molteno.

(5) A.2. 1878 - December 26th, 1877 - Minute of Frere to Ministers.

(6) Memorandum of Brownlee on Sandile Enclosures - June-December, 1878. G.H. 28/100.

such a police force had not been made use of to any great extent.<sup>(1)</sup>

The policy of introducing individual land tenure does not seem to have been a success, though Mfengu were reported to be moving back from the Transkei after it was known in 1875 that titles were to be issued in the location at Queenstown. Few natives took up the title deeds due to heavy fees for surveys, the unsuitability of much of the land for cultivation and alack of appreciation of the new system, perhaps due to security under the old communal land tenure.<sup>(2)</sup>

Native hostility to the policies of the government was inevitable. It was shown by the war of 1850 and the cattle killing of 1857, of which Brownlee thought Rhili to have been the chief instigator. During the 60's the Ngqika resisted a plan to move them across the Kei as did the Thembu, only a portion of whom moved to be independent in Emigrant Tumbuland.<sup>(3)</sup> Rhili particularly, was known to have been disaffected since the seizure of his lands in 1858 and longing for an opportunity to regain his old ascendancy.

Dislike of the new government arrangements and opposition<sup>(4)</sup> by the chiefs was noticed in Basutoland.<sup>(5)</sup> An epidemic of hysteria among women took the form of denunciations of civilised customs and innovations.<sup>(6)</sup>

In general the reaction of the chiefs seems to have been to offer a determined resistance to European missionaries or government officials who wished to change the customs and undermine the cohesive forces of their society. Witchcraft, the most powerful part of the machinery of government by the chiefs, was reported to flourish in Rhili's territory and in that of Ngangelizwe.<sup>(7)</sup> It was generally believed that the chiefs were behind the movement to obtain guns.

Griffith noticed in Basutoland that the introduction of magistrates in 1871 had led to a reaction on the part of the chiefs which manifested itself in a simultaneous rush of a great many of the Basotho to the diamond fields for the

(1) G.H. 23/34 - October 2nd, 1877 No.82 - Frere to Carnarvon.

(2) S. van der Horst - Page 21.

(3) G.27. 1874. Page 135.

(4) G.27. 1873. Page 2.

(5) G.16. 1876. Page 4 and 6.

(6) G.H. 23/33 - May 19th, 1876 - Barkly to Carnarvon.

(7) G.27. 1874. Page 45 and 62.



purpose of acquiring arms and ammunition.<sup>(1)</sup> In 1875 Basutoland magistrates reported the import of guns by natives returning from the colony and the diamond fields. From King Williamstown the Civil Commissioner reported that a decrease in drunkenness was attributed to an increased desire for arms and that this desire was prevalent in other districts throughout the colony and into Natal. He commented on the significance of the matter since it was impossible to prevent natives from acquiring arms and ammunition.<sup>(2)</sup> The import continued in Basutoland 1876. It was suggested that the possession of guns gave a feeling of security to natives who were timid and suspicious and that the government had been wise not to prevent their introduction, thus showing that its subjects were neither feared nor suspected.<sup>(3)</sup> An attempt to apply the law strictly and confiscate guns from men returning from railway works in the colony, led to a protest in Basutoland where this action was looked upon as want of confidence.<sup>(4)</sup> Import into the colony was reported till 1877.

The Government's land policy had produced serious overcrowding by the 1870's which is indicated by the number of natives who sought work in the colony from 1865 onwards.<sup>(5)</sup> Emigration of Mfengu to the Transkei in 1867 did not relieve the congestion in the Victoria East district.<sup>(7)</sup> A shortage of grazing land was noticed in the Wittebergen district in 1874 due to the large population.<sup>(8)</sup> A movement of natives onto government leased farms as squatters was noticed in 1875 in the East London districts and overstocking in the Kamastone and Ockraal locations of the Queenstown district.<sup>(9)</sup> When the Ngqika chief Oba bought land in the Victoria district in 1876 at twice its value and moved from the King Williamstown district, the land he had vacated remained overcrowded as Ngqika from the Transkei moved into it.<sup>(6)</sup> Mr. Rose-Innes, Civil Commissioner at King Williamstown, realised that the need for land would increase with the natural increase of the population while the natives remained pastoralists, and remarked on "the condition of overcrowdedness admitted on all sides to exist." He thought that necessity might produce a

(1) G.27. 1874. Page 23

(2) G.21. 1875. Page 58

(3) G.16. 1876. Page 8

(4) G.H. 27/1 - June 24th, 1876 - Barkly to Carnarvon.

(5) S. van der Horst - Page 27

(6) G.12. 1877. Page 111

(7) G.27. 1874. Page 3

(8) Ibid. Page 11

(9) G.16. 1876. Page 88

change, as in conditions of drought, stock would die and youths be obliged to turn to trades for a living. In the meantime employment of natives on railway and harbour works would relieve the suffering caused by the present drought.<sup>(1)</sup>

Going out to labour for the colonists was regarded by officials as a solution to the problem of overcrowding or distress. Oba's people, apathetic to the efforts of G.M. Theal to get them to work to improve the dreadful condition into which they had fallen on their farm during the drought,<sup>(2)</sup> were obliged to become labourers along with many others ruined by the war of 1877-1878.<sup>(3)</sup>

Hostilities began on the Fingoland-Galekaland border after a collision between Mfengu and Gcaleka on August 3rd, 1877. Colonial troops were sent to protect the Mfengu and an engagement took place on September 26th between F.A.M. in alliance with Mfengu against the Gcaleka, which resulted in a slight success for the Gcaleka.<sup>(4)</sup>

The war may be considered the outcome of the policy of the preceding twenty years made possible by the weakness of the colonial government in implementing it. It broke out during a drought which had begun in Basutoland<sup>(5)</sup> in 1875 and continued in the Eastern districts of the colony and the Transkei during the following years. Food was scarce as improvident farming left no surplus which could keep natives from want during a bad season.<sup>(6)</sup>

Cramped into ever smaller regions, the natives were faced with the alternatives of adopting an attitude of defeat, - labouring for the colonists and changing to European methods of farming, or adopting an attitude of defiance - making a stand for independence which meant government by their chiefs with the old methods of farming and the old social customs. It is significant that the Gcaleka were considered to have had ample territory in which to maintain themselves in affluence if they had taken the trouble to cultivate their lands, as their neighbours the Mfengu, more amenable to

(1) G.12. 1877. Page 112

(2) A.21. 1878. Page 310

(3) G.17. 1878. Page 38

(4) Imperial Blue Book C.2220 - Memorandum of Brownlee on Gcaleka War. Page 87-91.

(5) G.16. 1876. Page 6.

(6) G.16. 1876. Page 64.



European influence, had done.<sup>(1)</sup> The possession of guns and the fact that the young men had no experience of war with the Colony, encouraged them to hope for success as did the knowledge of the weakness of the Transvaal in the war with Sekhukhuni.

After a campaign during October Galekaland was reported cleared of its inhabitants who were in full flight towards Bomvanaland and Pondoland.<sup>(3)</sup> By December 4th the war seemed to be over.<sup>(4)</sup> However, towards the end of the month the Gcaleka returned having left their cattle and families in safety beyond the Bashee River, and the war spread into the colony as a rebellion of the Ngqika and Rarebe clans<sup>(5)</sup> and the colonial Thembu. By no means all of the Ngqika espoused the cause of the paramount Xhosa chief though Sandile gave in his adherence to Rhili. An effort was made to separate loyal from rebellious Ngqika and the loyal ones, estimated at about 2,400 as against 700 rebels, were moved to a special place away from the others. Many of those who followed Sandile had opposed the war policy, but they did not abandon their loyalty to the chief and went with him to destruction.<sup>(6)</sup>

The disaffection in the Thembu location was noticed after Gungubele got into difficulties over payment for a farm. Against the advice of magistrates he had bought a farm for £2,200 and in January was being sued after failing to pay the second instalment, to show cause why his estate should not be sequestrated. There were threats of violence if judgment against him should be carried out and outrages on members of the tribe who were loyal to the government. Complaints were made against twenty three of the chief's followers which led to the despatch of an expedition under Mr. Hemming, the Civil Commissioner of King Williamstown, to assist police in carrying out the arrest of the troublemakers.

The Thembu as a whole did not join in the war against the government. Ngangelizwe and three thousand of his men gave

- (1) G.H. 23/34 - January 9th, 1878 No.9 - Frere to Carnarvon.
- (2) G.H. 23/34 - June 18th, 1878 No.156 - Frere to Hicks Beach.
- (3) G.H. 23/34 - November 14th, 1877 No.113 - Frere to Carnarvon.
- (4) G.H. 23/34 - December 4th, 1877 No.122 - Frere to Carnarvon.
- (5) A.4. 1878 - Frere to Molteno - December 31st, 1877. P.28.
- (6) Imperial Blue Book C.2220 - Memorandum of Brownlee on Gcaleka war. Page 97.

assistance against Rhili.

Resistance in the Thembu location ended after columns led by the Commandant General of the Frontier Mounted Police had reinforced Hemming and inflicted a severe defeat.<sup>(1)</sup>

The strength of the Gcaleka was broken after the battle of Kentani on February 7th in which the natives were led by Rhili and Sandile in person, but the war continued in the colony till June,<sup>(1)</sup> by which time Sandile had been killed<sup>(2)</sup> (May 29th, 1878).

The war exposed the weaknesses of frontier administration, the need for more effective control over natives in the colony as well as in the Transkei, and the weaknesses of colonial defence.

It was evident that there had been a lack of vigour in the administration.<sup>(3)</sup> Frere noticed that there were not enough officials for the work to be done as few changes had been made in the civil establishments during the past twenty years. He thought the salaries offered to magistrates were low and seems to have thought good magistrates were rare.<sup>(4)</sup> He made the interesting suggestion that a native branch of the civil service to be established at first for the Transkei would tend to abolish the evil influences of tribal chieftainship.

"It can hardly be said that educated natives, carefully selected and trained, are unfit for the duties and responsibilities of deciding the police and magisterial duties of a kaffir kraal when we allow - uneducated natives, not selected and not trained, but simply because they are chiefs, to exercise almost unchecked, absolute control over the lives and fortunes of hundreds and thousands of their fellow-tribesmen." <sup>(5)</sup>

He considered the matter of a police force more important than the military question and urged the necessity of organising a preventive and detective force to punish stock stealing and maintain order, thus leaving to the F.A.M. the duty of being a protective force. His suggestions included the formation of a ministerial department of Military and Police affairs, and legislation to enable the government to proclaim rebellious districts and disarm persons carrying guns without licenses.<sup>(6)</sup>

- (1) Imperial Blue Book C.2220 - Memorandum of Brownlee on Gcaleka War. Page 98.
- (2) Memorandum of Brownlee on Sandile Enclosures - June-December, 1878. G.H. 28/100.
- (3) G.H. 23/34 - October 9th, 1877 No.84 - Frere to Carnarvon.
- (4) G.H. 23/34 - November 14th, 1877 No.112 - Frere to Carnarvon.
- (5) G.H. 23/34 - June 1st, 1878.135.A - Frere to Hicks Beach.
- (6) A.2. 1878 - December 26th, 1877 - Minute of Frere to Ministers. Page 6.

New magisterial districts were created on the Eastern border in 1877 at Cathcart, Stutterheim and Komgha.<sup>(1)</sup> Great changes took place in the Transkei where new magistracies were created, thus increasing the influence of the government. Fingoland, the Idutywa Reserve and Nomansland were annexed in 1877.<sup>(2)</sup>

After the war the Ngqika and Thembu who had rebelled were dispossessed of their territory which was sold to Europeans. The people of the Ngqika tribe were considered to have forfeited their claim to the land where they had been settled in 1853, by bad behaviour, but those who had remained loyal to the government were settled in land over the Kei in Galekaland. Here they were given ten acre plots with rights to commonage and titles to their land, and placed under the supervision of magistrates.<sup>(3)</sup>

The feeling among the Ngqika may be illustrated by the death of an old chief named Tyhali on the eve of the removal. As he had stated that he wished to die owing to the misfortunes which had come upon his tribe, his death was ascribed to a broken heart.<sup>(3)</sup>

Rhili ceased to rule over his tribe, the remnants of which were resettled in Galekaland. Captain Blyth moved from East Griqualand to become magistrate of a region known as Transkei comprising Fingoland, Galekaland and the Idutywa Reserve with assistant magistrates under him.<sup>(4)</sup> Tembuland, Emigrant Tembuland and Bomvanaland were united under a chief magistrate of Tembuland. Mr. C. Brownlee became magistrate of Griqualand East in 1878 which comprised seven districts, the four districts of Adam Kok's territory, and the Gatberg, now known as Maclear, where lived the people of Lehana, Lebenya and Zibi, Qumbu where lived Mhlontlo's people, and Tsolo, Mditshwa's people.<sup>(5)</sup>

It has been asserted in condemnation of the Cape government that it continued to regard the native problem as a military one rather than a civil one, after ~~a hundred and~~

- (1) Theal - "History of South Africa 1873-1884" Vol.1 Page 51.
- (2) G.H. 23/34 - November 3rd, 1877 No.105 - Frere to Carnarvon.
- (3) Imperial Blue Book C.2220 - Memorandum of Brownlee on Gcaleka War. Page 240-242.
- (4) Theal - Ibid - Volume 1. Page 40.
- (5) Theal - Ibid - Page 41.

fifty years of contact.<sup>(1)</sup> This opinion seems to be borne out by the policy pursued which was designed to keep the colony safe from attack, by the lack of effective government in the Eastern districts, and the lack of police for preventive and detective work.

But paradoxically, the dilatoriness of the Cape in making provision for its defence after 1872, was the reason why the administration of the frontier districts was not more vigorous and why the control exercised over Transkei chiefs such as Rhili and Ngangelizwe, was slight. If the natives were to advance in civilisation, which was one of the avowed objects of the government's policy, it was necessary that the European population on the frontier should feel secure.<sup>(2)</sup> Thus when efforts were made to improve the administration an act was passed whereby the disarmament of natives was made possible<sup>(3)</sup> and arrangements were made to increase the strength of the colonial forces.<sup>(4)</sup>

- (1) de Kiewiet - "Imperial Factor in South Africa" - Page 148.
- (2) G.H. 23/34 - October 9th, 1877 No.84 - Frere to Carnarvon.
- (3) Act 13. 1878.
- (4) G.H. 23/34 - May 6th, 1878 No.105. - Frere to Hicks Beach.

CHAPTER 111

RESPONSIBLE GOVERNMENT AND DEFENCE.

The need for defence was an important factor in determining the relations which should exist between the Cape colony and Great Britain. If the colony was to be responsible for its internal defence it followed that it should have control of policy.

There were colonial protests at the scheme to withdraw British troops. A petition stressed the dangers of a situation where in two border divisions the ratio of natives to Europeans was 12 to 1 and 11 to 1, and drew attention to the fact that two measures had recently been undertaken by Her Majesty's government under the auspices of the High Commissioner, for which the Cape government was not responsible. These were the settlement of the Transkei five years since with Mfengu, Thembu and Gcaleka, and the reception of the Basotho as British subjects in 1868.<sup>(1)</sup>

The utmost concession the British government would make was to leave one regiment in the colony temporarily for colonial purposes, to give the colony time to supply its place.<sup>(2)</sup> The decision was repeated in November 1870 in a despatch to Sir Henry Barkly.<sup>(3)</sup> Despite the realisation that responsible government would be difficult because of the situation in the colony where the white population was outnumbered by a native population many times its size, and connected with similar tribes beyond the frontier, it was hoped that Barkly would be able to introduce such a system, as the colonists had rejected Wodehouse's plan for constitutional amendment.<sup>(4)</sup> Sir Henry Barkly had had parliamentary experience in England and experience of Crown Colony, Representative and Responsible Governments. He had been governor of British Guiana (1848), Jamaica (1853), Victoria (1856) where he summoned the first responsible legislature, and Mauritius. He had been successful in Guiana in overcoming local hostility to the Governor and in Jamaica in

- (1) A.10. 1870 - Report of Select Committee. Page 1.
- (2) "S.A. Cape Responsible Government" - April 7th, 1870 - Granville to Wodehouse. Page 6.
- (3) G.H. 4/1 - November 17th, 1870 - Kimberley to Barkly.
- (4) A.4. 1871 - October 17th, 1870 - Kimberley to Barkly. Page 1.

bringing about better relations between the legislature and the executive.<sup>(1)</sup> He seemed to be just the person to conciliate Cape opposition to responsible government.

The subject was mentioned in the Opening Speech in 1871<sup>(2)</sup> but a bill for the introduction of responsible government, with the provision that a commission should be appointed to consider the expediency of federation, though it passed the Assembly, was defeated in the Legislative Council.<sup>(3)</sup>

The term "federation" was used at the time to indicate the possible division of the colony into two or three separate units which might be united under one general government for certain purposes, as well as a scheme for joining the Cape with Natal and the Republics. There was no clear idea as to its precise meaning.<sup>(4)</sup> A Resolution was passed during the session of 1871 approving of responsible government and requesting the appointment of a commission on federation.<sup>(5)</sup> A commission was appointed and the governor authorised to communicate with the Lieutenant Governor of Natal and the Presidents of the Republics on the subject if requested to do so by the Commissioners or the colonial legislature.<sup>(6)</sup> Two conditions, however, were to be met by federation, the adoption of responsible government and the united provinces were to undertake to keep order in their territory and defend its frontiers.

It was known in 1871 that President Brand of the Orange Free State favoured federation if the diamond fields matter were settled.<sup>(7)</sup> During interviews in London, Mr. Hamelberg, representing the Orange Free State, expressed himself strongly in favour of such a policy and thought it would be acceptable to the Orange Free State if responsible government were established in the colony. The Secretary of State urged Barkly to terminate the diamond fields dispute lest delay should make federation difficult.<sup>(8)</sup>

(1) "Dictionary of National Biography". Supplement, - Volume 1. Page 124.

(2) A.1. 1871.

(3) Wilmot - "Life of Southey" - Page 199.

(4) Wilmot - Ibid - Memorandum of Southey on Despatch of Sir H. Barkly 1871 - Page 209.

(5) Newton - "Unification of South Africa" - 9th June, 1871. Vol 1

(6) G.H. 1/67 - November 16th, 1871 No.140 - Kimberley to Barkly. p12-14

(7) de Kiewiet - "British Colonial Policy & the South African Republics" - Page 297.

(8) G.H. 1/67 - November 2nd, 1871 - Kimberley to Barkly.

British support for the scheme is indicated by a Resolution of the House of Commons, May 28th, 1872, that facilities for confederating the states and colonies of South Africa should be afforded by all practicable means.<sup>(1)</sup> In his Opening Speech in 1872 Barkly stated that objections to such a federation were not regarded as insuperable and sketched the benefits of co-operation, particularly with regard to native affairs.<sup>(2)</sup>

Unfortunately the annexation of Griqualand West in 1871 coming after the annexation of Basutoland in 1868 had ruined the chances of federation and the commission reported that the prospect of union of the South African communities was remote.<sup>(3)</sup> The evidence taken showed a great difference of opinion on the question of the franchise and property rights of natives. None of the Orange Free State natives were considered civilised, they could not vote or hold property in land. In the Cape natives were not debarred the franchise on ground of race and could acquire property in land.<sup>(5)</sup> Saul Solomon saw in this difference an inevitable source of trouble if states which gave no political rights to natives were admitted to a union.<sup>(4)</sup>

There were objections to responsible government on the grounds that roughly two-thirds of the Cape population was in a state of barbarism or semi-barbarism and that with the franchise law which amounted to a universal occupation suffrage since all male inhabitants occupying fixed property of a value of £25 could vote, the effects of the numerical preponderance of the natives might be serious.<sup>(5)</sup> The fact that the Dutch speaking people in the colony were in the majority and entertained strong prejudices against English habits and institutions, particularly because of the control they imposed on colonists in their treatment of native races, was urged as a reason for not making the change.<sup>(5)</sup>

Though federation did not come about in 1872 the bill for the introduction of responsible government was passed in June of that year<sup>(6)</sup> and Mr. J.C. Molteno became the first South African Prime Minister. Barkly had been able to give assurances on matters he had foreseen would be raised -

- (1) G.H. 1/68 - June 1st, 1872 - Kimberley to Barkly.
- (2) A.1. 1872.
- (3) G.26. 1872. Page 4.
- (4) G.26. 1872. Page 95.
- (5) Wilmot - Minute of Southey - April 26th, 1871. Page 200.
- (6) G.H. 23/31 - June 17th, 1872 No.64 - Barkly to Carnarvon.



the length of time the Imperial troops should be retained, the continued liability of the Imperial government in respect of native affairs, and the possibility of federation between the Eastern and Western provinces. He had thought federation should follow responsible government, though this view was not generally held in the Eastern province. The opposition had warned of the withdrawal of British troops when responsible government was introduced, of the removal of the Queen's protection from natives then enjoying it; Malays in Capetown had petitioned against the bill lest they should be sent to defend the frontier instead of the troops. (1)

The Imperial troops were retained of necessity, but on the distinct understanding that this was but a temporary measure. (2) The precarious nature of the settlements in the Transkei was recognised. It was plain that Rhili would very soon attack the colony if the troops were withdrawn and defence left to the F.A.M. and Volunteers. (3)

It was decided that the Cape should assume the responsibility for frontier defence as it was impracticable to entrust the government of natives inside the colony who were in contact with those without, to one authority and expect another to undertake the conduct of wars which might arise from the policy of the first authority. (2) Referring to this despatch P.A. Moltencroft criticises Sir Bartle Frere for violating the principle here laid down, without recognising the fact that the Governor held a separate office as High Commissioner. (4)

With the introduction of the new form of government it was necessary to decide what in these circumstances were the powers conferred on the Governor by Her Majesty's High Commission, (5) and to what extent as High Commissioner he was independent of the colonial ministry. That in fact the

(1) G.H. 23/31 July 3rd, 1872. No. 76 - Barkly to Kimberley.

(2) G.H. 4/1. November 17th, 1870 - Kimberley to Barkly.

(3) Barkly Papers Extract - December 12th, 1872 - Barkly to Kimberley.

(4) P.A. Moltencroft - "Life of J.C. Moltencroft" - Vol.1, Page 162.

(5) A.22. 1865. High Commission to Sir P. Wodehouse.

"...High Commissioner for the settling and adjustment of the affairs of the territories in South Africa, adjacent and contiguous to the Eastern frontier of our said Colony.

And we do hereby require and enjoin you, as such our High Commissioner, in our name and on our behalf, to take all such measures and to do all such matters and things, as can and may lawfully and discreetly be done by you for preventing the recurrence of any irruption into our said Colony of the tribes inhabiting the territories aforesaid and for maintaining our said Colony in peace and safety and for promoting, as far as may be possible, the good order, civilisation, and moral and religious instruction of the tribes aforesaid and with that view, for placing them under some settled form of government." (Sir H. Barkly and Sir B. Frere held similar commissions)



High Commissioner, even before the grant of responsible government, was uncontrolled by the Cape legislature, was disputed by Wodehouse, who considered that the position was really that of the governor under another name.<sup>(1)</sup>

[ Lord Kimberley stressed the necessity for co-operation between the governor and his responsible ministers,<sup>(2)</sup> and in accordance with these views Barkly informed Molteno and his colleagues when they took office that he was prepared to be advised by them in all matters connected with the management of native affairs beyond the borders, reservation being made as a matter of form, in respect of tribes to the North East of Natal in conjunction with the government of that Colony. With respect to Griqualand West, they were only expected to advise when the matters at issue appeared to affect the interests of the Cape Colony.<sup>(3)</sup>

The question as to how far the governor was prepared to receive advice about the state of the Eastern frontier arose in January 1873, more particularly because Mr. C. Brownlee who had given up his position as Civil Commissioner at King Williamstown to become Secretary for Native Affairs, was known to hold decided opinions as to what policy should be followed. Barkly dispelled misapprehensions by his assurance that he was ready to hear the advice of the Cabinet.<sup>(4)</sup>

The matter came up for debate later in the year when Brownlee, after drawing up a report on his mission beyond the Kei, was attacked for assuming unauthorised the responsibilities attached to the Imperial government.<sup>(5)</sup> It was generally considered, though no definite conclusion was arrived at, that the acts of the Governor and High Commissioner could not be separated as far as ministerial responsibility was concerned.

During the debate Mr. J. Orpen tried to draw the ministry into a statement of native policy which should accord with his own views on Imperial obligations, but Molteno accepted the alternative of a Select Committee on Native Affairs.<sup>(6)</sup> Though Barkly thought it would be injudicious for such a committee to investigate the question of relations between the Imperial and Colonial governments, Orpen enunciated a view of the High Commissioner's position in a

- (1) "S.A. Cape Responsible Government" Correspondence re Withdrawal of Troops. O.72. - July 16th, 1867 - Wodehouse to Buckingham. Page 4.
- (2) de Kiewiet - "Imperial Factor in South Africa" - Page 78.
- (3) G.H. 23/33 - March 27th, 1876 No.33 - Barkly to Carnarvon.
- (4) G.H. 23/32 - January 15th, 1873 - Barkly to Kimberley.
- (5) G.H. 23/32 - June 4th, 1873 No.53 - Barkly to Kimberley
- (6) vide Chapter 2. Page 13.

Memorandum on the subject.<sup>(1)</sup> He considered the office was distinct from and not subordinate to that of the constitutional governor. A similar opinion was held by Mr. Froude in 1875, but Barkly thought he had no ground for the assertion "of so anomalous a state of things."<sup>(2)</sup> It was clear that the High Commissioner was responsible for the external policy of the British colonies in South Africa but how far he ought to receive advice from his ministers on such subjects seems to have been a matter of opinion and there was no certainty on the point. Carnarvon, Secretary of State for the colonies under a conservative government, was to disapprove of Barkly's conception of his constitutional position.

Considering the contemplated withdrawal of troops, the necessity of improving the colonial defence forces was urged in the Opening Speeches of 1870<sup>(3)</sup> and 1871.<sup>(4)</sup> They consisted of the Frontier Armed and Mounted Police and Burghers and Volunteers who might be called out to meet an emergency, assisted by Native Levies. The F.A.M. (Act 3, 1855) had been formed for the purpose of apprehending thieves and suppressing stock lifting and known as a crack force under Sir Walter Currie, of a semi military nature. The Burgher Act of 1855 which empowered the government to raise a militia force was admitted by 1870 to be valueless.<sup>(3)</sup> Its weaknesses were that no Burgher could be sent to serve outside his own district and no fine exceeding £3 could be imposed for absence from musters.<sup>(5)</sup> The Burghers were known to have been an undisciplined force, under no proper organisation.<sup>(6)</sup>

A Select Committee on the working of the F.A.M. did not report in 1872 but printed evidence which seemed to suggest that all was not well with the force.<sup>(7)</sup> Commandant Bowker reported in 1872 that since 1870 serious changes had taken place, particularly that the greater part of the efficient men had left the force for the diamond fields, and that it was much less efficient than it had been three years

(1) A.12. 1873. Page 11.

(2) G.H. 27/1. December 6th, 1876 - Barkly to Carnarvon.

(3) A.1. 1870.

(4) A.1. 1871.

(5) G.1. 1877 - Evidence of Mr. Rose-Innes before Defence Commission. Page 84.

(6) A.6. 1874 - Remark of Merriman, Chairman of S.C. on Frontier Defence Bill. Page ix.

(7) A.2. 1873. Page 1 - 9.

before.<sup>(1)</sup> Despite his efforts he had been unable to maintain the force at the proposed strength of 600 men.<sup>(2)</sup> He suggested better pay as an inducement for good men to remain in the service, also that a recruiting depot should be set up in England and an experienced officer put in charge of military and quartermaster's stores. Alternatively, he suggested making up the deficiency in the numbers by a Sikh troop from India. He did not advise changes in the organisation, bluntly stating that he wanted no amateur policemen interfering with the F.A.M. but he thought the force should be increased to 1,000 men to defend the frontiers and give aid to farmers. A hundred men should be detailed for detective work.<sup>(3)</sup>

The parliament of 1873 was asked to sanction an increase of 150 men to the force<sup>(4)</sup> as serious disturbances had taken place on the frontier during the previous year and though peace had been made between the tribes, the position was still unsatisfactory.<sup>(5)</sup> It granted increased pay to the force, which had the effect of checking the departure of time expired men.<sup>(6)</sup> £1,000 was voted for field artillery and ammunition<sup>(7)</sup> and £1,500 for the erection of stations for defence from the Kei mouth to the Wittebergen. It was arranged that Lieutenant J.L. Robinson, R.A., should act as instructor in artillery drill and practice to the F.A.M.<sup>(8)</sup>

An Act was passed whereby Divisional Councils could organise an additional police force by contributing to the expenses thereof.<sup>(9)</sup>

[ The criticisms began to come in 1874 when the Select Committee, and Sir Arthur Cunynghame the new General and Lieutenant-Governor, reported on the state of colonial defences. ] The committee suggested higher pay as an inducement to re-enlistment and that a system of small posts and patrols should be resorted to as far as practicable. ]

- (1) G.30. 1873 - June 28th, 1872 - Bowker to Colonial Secretary. Page 34.
- (2) G.30. 1873 - November 12th, 1872 - Bowker to Barkly - Page 39.
- (3) G.30. 1873 - March 28th, 1873. Page 1 - 3.
- (4) A.1. 1873.
- (5) vide Chapter 2. Page 12.
- (6) G.38. 1874. Page 1.
- (7) G.H. 1/69 - August 30th, 1873 - Carnarvon to Barkly.
- (8) G.H. 1/69 - September 5th, 1873 - Carnarvon to Barkly.
- (9) Act No.8. 1873.

It criticised by implication the discipline of the force by suggesting that more power should be placed in the hands of officers, subject to review by the civil power. Volunteers should be better organised, on a militia basis, and subject to more immediate control by the government.<sup>(1)</sup>

Cunynghame suggested that a force of militia conscripted as in Canada, should be enrolled, and offered to place one of his officers at the disposal of the government to organise such a force. He considered that even if the organisation of the F.A.M. were improved, to trust to that force, assisted only by Volunteers under the present regulations, and the Burghers who could be enrolled under the present law, would be to have the defences of the colony in an unsatisfactory, if not dangerous, position.<sup>(2)</sup>

[ The evidence taken by the Select Committee is illuminating as regards the Volunteers, considering the divergent views held about them during the Gcaleka war, and that the bill to improve their organisation failed to pass the Assembly in 1870 as did the Frontier Defence Bill of 1877. It also shows what views Moltano held about the enlistment of Native Levies and the use of Imperial troops.

Moltano did not think it would be a good plan to substitute for the standing army represented by the F.A.M. a yeomanry or militia system. Asked to enlarge upon his reply that he thought the F.A.M. sufficient with the other forces at the disposal of the government to suppress an outbreak, he mentioned that British troops were still stationed in the colony at a cost of £10,000. As in the past, assistance might be expected from portions of the natives, and no general outbreak was feared which would make such services impossible. Besides these forces were the Volunteers who "to a certain extent I have no doubt would do good service", and the inhabitants in general who would give assistance in a real emergency. He thought volunteering was a desirable thing to be encouraged and that frontiersmen should be trained to arms but that "at the time that we most wanted them we could perhaps depend least on getting them,"

(1) A.6. 1874. Page iii

(2) G.H. 4/1 - Report of Sir A. Cunynghame.

thus they could not be a substitute for a standing army. (1)

Bowker thought a Mutiny Act was necessary to keep Volunteers together and replied to the suggestion that disorganised bodies were next to useless in an emergency, "yes, worse than useless. I have known them in time or war to be more trouble to us than the Kaffirs." (2)

The increase in numbers in the F.A.M. had come about by 1875 when the force numbered 750 mounted men and was considered to be in an effective and satisfactory condition. (3) During the year an artillery force was attached to the F.A.M. and the policy of having small seven pounder mountain guns was pronounced a success. An expedition was made into Tembuland after the death of Ngangelizwe's wife had caused a disturbance and threat of war. On this occasion the spirit of the F.A.M. was considered excellent, despite heavy rain and exposure to weather. (4)

Widespread unrest occurred in 1876 "the year of the war scare". (5) By July the frontier was excited, there were rumours of plots in which the natives were said to be combining against the government, panic in Queenstown and Dordrecht, (6) petitions against the gun trade. The government took steps to ensure peace, sent supplies of arms and ammunition to the frontier, concentrated the F.A.M. near places where a rising was feared, sent Brownlee to visit the Ngqika. (7) The Governor suggested that the relief for the 32nd Regiment might be sent before it was due so that there should be extra troops in the country. In November, as the frontier continued restless, beside the tendency to panics among the colonists, he detained in the Cape five companies of Her Majesty's 3rd Buffs which were to have gone to Natal. (8) This precaution was taken as the ministry wished to take a firmer attitude to Rhili who seemed inclined to dispute the settlement of the boundary line between his people and the Thembu.

Having noted the inadequacy of the Cape defensive forces in 1874, the General stated on August 18th, 1876, that

(1) A.6. 1874 - Evidence taken by Select Committee on Frontier Police Bill. Page 8 - 10.

(2) Ibid - Page 11 - 18.

(3) A.1. 1875.

(4) G.57. 1876. Page 3.

(5) vide Chapter 1. Page 14.

(6) G.H. 27/1 - July 20th, 1876 - Barkly to Carnarvon.

(7) G.12. 1877. Page 150.

(8) G.H. 27/1 - November 6th, 1876 - Barkly to Carnarvon.

the colony was unwilling to undertake its own defence. His comment elicited the reply that the contribution of the colony towards the cost of their defence was large considering the revenue of the colony and the questions of Imperial interest involved, also that the ministry had successfully coped with difficulties arising from the situation in the Transkei without cost to Her Majesty's government or calling for the services of British troops.<sup>(1)</sup>

There seems to have been a decided difference of opinion on the matter. Carnarvon, aware of the precarious situation on the Cape frontier, supported the General's request for additional guns as he thought the equipment of the troops at the Cape should be kept at the highest point of efficiency.<sup>(2)</sup> Though trusting Barkly's judgment of the necessity for detaining the Buffs at East London, he was evidently uneasy about this action, considering the preparations for war that Cetywayo seemed to be making on the Natal border;<sup>(3)</sup> but more particularly because it indicated the weakness of the colonial defence force if 500 men could not be moved into the Transkei for a demonstration without diverting Imperial troops from their proper destination. These circumstances led him to conclude that the ministry had not provided for the defence of the colony as they were in duty bound to do when responsible government was granted.<sup>(4)</sup> The Ministers referring to their reply to similar charges by the General, would not admit that they had neglected their duty.<sup>(5)</sup>

P.A. Molteno enumerates and commends the measures taken by the ministers in conjunction with the Governor to defend the colony and allay the panic of 1876.<sup>(6)</sup> He refers to the remark of Carnarvon that he did not wish to criticise the policy which he had on various occasions praised for being prudent and liberal in dealing with uncivilised and half civilised races. But rather significantly he slurs over the other remarks in the despatch which criticise the ministry for not defending the colony properly. In the light of this condemnation, the former praise reads more like a determined attempt to be fair than unqualified approval.

The matter of colonial defence came up for discussion when the report of the Commission on Frontier Defence was presented to parliament. The Commissioners were of the same

- (1) G.H. 1/73 - Enclosure. December 20th, 1876. Minute of Ministers.
- (2) G.H. 1/73 - Enclosure. October 30th, 1876 - Colonial Office to War Office.
- (3) G.H. 4/1 - January 3rd. 1877 - Carnarvon to Barkly.
- (4) G.H. 4/1 - 2nd Despatch dated Jan. 3rd - Carnarvon to Barkly.
- (5) G.H. 27/1 - February 28th, 1877 - Barkly to Carnarvon.
- (6) P.A. Molteno - "Life of J.C. Molteno" - Vol. 11 - Page 213.

opinion as the Secretary of State that the colony had neglected its duty of providing for defence and that preparations for increased security could not be delayed. They were satisfied that the native tribes, especially the Thembu, were disturbed and restless. The sole provision for defence was 800 mounted police. They hoped that the recent scare would be taken as a warning of providence and emphasised the seriousness of the situation.<sup>(1)</sup>

The commissioners recommended an increase in the numbers of the F.A.M. to 1,500 men, and that it should be made responsible to a Commander of colonial forces to be appointed. While considering the present force might be improved and made a dependable force, they criticised the training of recruits, the inability of the men to ride and shoot and the state of the horses and arms of the force.<sup>(2)</sup>

Volunteer corps were pronounced a failure by Mr. Rose-Innes as there were no means of enforcing penalties for absence from musters and reliance had to be placed on esprit de corps, lacking, he thought, in South African human nature. The report of an inspection of Volunteers in the Eastern districts in 1876 had not been enthusiastic. Recommendations were made for a Burgher Bill and for regulations to make Volunteers subject to the officer in charge of colonial defence in the same way as the Burghers.

The provisions of the Bill for Frontier Defence were regarded as improvements on the Commissioner's recommendations<sup>(3)</sup> but the Bill failed to become law.

Sir Bartle Frere who succeeded Sir Henry Barkly in April 1877 was less sanguine than Barkly or Molteno of the possibility of continued peace.<sup>(4)</sup> Barkly had written "I think I may safely predict that you will find no native difficulties

(1) G.1. 1877. Page 3.

(2) Commandant Bowker would not accept these criticisms. He regretted that he had not been present at the concluding sessions of the commission to prevent their insertion in the report, stating "I have no hesitation in saying that for riding, shooting and ordinary simple movements of drill they are equal to any irregular force in the world."  
G.30. 1877. Page 2.

(3) "Cape Argus" - June 2nd, 1877.

(4) G.H. 23/34 - July 2nd, 1877. No.48. - Frere to Carnarvon.



to deal with as far as this colony is concerned." (1)

In July he thought it safer, looking to the situation in Zululand, not to diminish the force stationed on the frontier, and saw in an incident in Basutoland evidence of unrest that made outbreaks of violence seem likely. He pointed out to his ministers the unsatisfactory footing on which Volunteer forces were placed, suggesting that an active young officer should undertake inspections and assist with correspondence, and that a temporary act embodying some clauses of the Defence Bill should be introduced. (2)

The necessity of better organisation of the defence forces was demonstrated by the war in 1877. It was with a soldier's training that Frere criticised the F.A.M., the Volunteers and Burghers.

He had no fault to find with the quality of the men of the F.A.M. though a very large proportion of them were raw recruits (3) but they were deficient in knowledge of drill and disorderly in their habits. (4) The style and tone of the N.C.O.'s was slipshod; though they prided themselves on being rough and ready, Frere thought this was simply an excuse for untidy and inefficient ways of doing things. He was particularly critical of the inordinately long hours of duty, the lack of inspection of men going on duty, and the conditions under which the men lived which were bad for health and discipline. He deprecated needless exposure of men and horses, and the wastage of young men from illness which could have been prevented, particularly dysentery from chills and eating insufficiently cooked food, rheumatism and heart disease. It is to be observed that Commandant Bowker who retired during the Galekaland campaign was suffering from rheumatism. (5)

Bowker was absolved from some of the blame for the state of the F.A.M. since he had previously pointed out defects (4) but Frere commented on the shortage of officers and experienced N.C.O.'s. (3) and noticed office work had been neglected. When Colonel Griffith took over returns showing the number and position of the men and the amount of arms were only produced after long delays and were often flagrantly incorrect. Even

(1) Barkly Papers - February 20th, 1877 - Barkly to Frere.

(2) Molteno Papers - July 14th, 1877 - Minute of Frere to Ministers. Page 22.

(3) G.H. 23/31 - October, 1877 - Frere to Carnarvon.

(4) A.19. 1878 - November 3rd, 1877 - Minute of Frere to Ministers. Page 1 - 5.

(5) Molteno Papers - Telegram 14th September, 1877 - Hallam Parr to Molteno. Page 38.

the whereabouts of an artillery seven pounder could not be discovered. After many enquiries it was accidentally found by Mr. J.X. Merriman in a coachmaker's yard in King Williamstown, where it had lain for months.<sup>(1)</sup> The force was found to be 200-300 below its sanctioned strength<sup>(1)</sup> and in November Frere thought it might break down any day under severe trial.

He thought too, that the men should know the districts where they were stationed and the language of the people. He was astonished that, ostensibly policemen, their duties had been purely of military occupation rather than of maintaining order and suppressing crime and that the F.A.M. did not seem to be in touch with the civil authorities responsible for these matters.<sup>(2)</sup>

Frere remarked that the Volunteers had no legal status or recognised official position and that though excellent in spirit, they were few in number and imperfectly organised.<sup>(3)</sup> He stressed the need for a law making their actions legal and ensuring a reasonable amount of discipline and obedience to authority. Volunteers could not be trusted with hard and uninteresting but essential duties such as guarding posts and convoys and keeping up communications. More particularly they could not be trusted to sit still and abstain from fighting without orders. The colonial forces did not have the advantage of superior discipline which they ought to have possessed. For practical purposes he regarded the Burghers Act as useless and noticed that everybody else did too.<sup>(3)</sup> He thought there should be a reorganisation of the F.A.M. and colonial defence forces.

It is evident that by 1877 the colony was not independent of British troops to effect its defence. All available troops had to be moved to the frontier leaving only 59 men to guard the dock areas at Simonstown with the help of local volunteers. Defence had been treated as a party matter and ministerial attempts to make the colonial forces more numerous and efficient had not been successful. Thus responsible government, granted to relieve Britain of responsibility for native policy and the cost of defence had not achieved its object by 1878 and a serious crisis was to arise between the Governor and the ministry over these issues.

(1) A.19. 1878. November 3rd, 1877 - Minute of Frere to Ministers. Page 1 - 5.

(2) Molteno Papers - September 19th, 1877 - Minute of Frere to Ministers. Page 48.

(3) G.H. 23/31. October 2nd, 1877 - Frere to Carnarvon.

CHAPTER IV.

THE ANNEXATION OF GRIQUALAND WEST.

The first significant difference of opinion between the colonial and the Imperial governments after the grant of responsible government, concerned the annexation of Griqualand West. Sir Henry Barkly had annexed the territory in the name of the British government in October, 1871, and proclaimed the Griqua chief Waterboer and his people to be British subjects. As the Orange Free State considered that part of its territory had been included in the annexation and that by its action Britain had violated the Bloemfontein Convention of 1854, there began a bitter dispute which was not ended till 1876. The position of the British government was due to the reluctance it had shown to extending the Northern boundary of the Cape and taking over the government of the Griquas and natives living beyond the Orange River.

The matter affected the colony as the annexation had only been authorised on condition that the Cape should take over the government and defence of the region. The unresolved dispute with the Orange Free State which arose from a change of policy by the British government, was largely responsible for a refusal on the part of the Cape to implement a Resolution of 1871 which had favoured annexation.

In 1868 diamonds were discovered in the Vaal Harts area and later in richer diggings south of the Vaal. Unfortunately the ownership of these regions had been in dispute for years. David Arnot, an unscrupulous lawyer, had hoped to bring the road to the North under British control and thus profit from increased land values. With Henry Harvey he became attorney to Adam Kok of Philippolis. Harvey sold Kok's lands to the Orange Free State when Kok and his people moved to East Griqualand in 1861, including also "the lands of the late Cornelius Kok" bequeathed to Adam Kok by the Griqua chief at Campbell. Arnot persuaded Kok to deny authorising the sale of this land and claimed it on behalf of Waterboer, Griqua chief at Griquatown, on the grounds that Cornelius Kok had been a vassal of Waterboer.<sup>(1)</sup>

President Brand had been willing in 1864 to submit to arbitration the question of the ownership of the lands North of the Vaal, but considered that the farmers settled in the area Vaal-Ramah Platberg-Vetburg line, had a right to be

(1) "Cambridge History of the British Empire" - Vol.8, Page 431

there as titles to farms in this area had been issued by Major Warden in the days of the Orange River Sovereignty. He considered that when the Conventions were signed Britain had not objected to Orange Free State encroachment on Griqua land.<sup>(1)</sup>

Arnot skillfully made it appear that the Orange Free State had violated Griqua rights safeguarded by the treaty of 1834 when in reality the treaty states had broken down and the farmers had penetrated into a sparsely populated area. He induced Waterboer to apply for British protection.<sup>(1)</sup>

The British government had become highly suspicious of Republican native policy and was confirmed in its suspicions by Arnot and Richard Southey, the Colonial Secretary, who brought their influence to bear on Acting-Governor Hay in 1870. This attitude is indicated by Minutes on despatches from Hay - "any combination of the Dutch Boers and English immigrants for the purpose of expelling or overpowering the native occupants should be averted by all practicable means."<sup>(2)</sup> Southey's motive in urging the annexation of the diamond fields was to check the movement of the Republics to limit British expansion North of the Cape.<sup>(3)</sup> He was supported by colonial opinion in the Eastern province as traders at the ports hoped for profits as they were nearest to the fields.<sup>(3)</sup>

Thus the Acting-Governor at the Cape took up the cause of Waterboer and sent John Campbell to act as magistrate in the disputed territory under the foreign jurisdiction acts by which jurisdiction might be exercised in areas not under civilised government, while the Orange Free State sent Truter to Pniel to act as Llandrost.<sup>(4)</sup>

Hay pressed the cause of Waterboer on the colonial office, stating that the disputed territory had undoubtedly once belonged to him and he had not ceased to protest against its occupation by Free State Boers.<sup>(5)</sup> Transmitting a petition of Waterboer to be accepted as a British subject with his people and that this government would proclaim authority over Griqualand West, he recounted the treaties between the Griquas and the British government and referred to letters of Sir George Grey and Sir George Cathcart which indicated that

(1) Cambridge History of the British Empire - Volume 8. Page 431-432.

(2) de Kiewiet - "British Colonial Policy and the South African Republics" - October 26th, 1870 - Minute of Sir F. Rogers. Page 284.

(3) Wilmot - Page 173.

(4) Agar Hamilton - Page 92.

(5) A.39. 1871 - November 18th, 1870 - Hay to Kimberley - Page 6 and 7.

(6) Agar-Hamilton Page 56-57

though formal treaties had not been preserved after 1852 payments were made to Nicholas Waterboer and his succession recognised. "Showing that we were prepared to continue in the son's case the treaty alliance which had existed with the Father." He went on to allude to the Griquas as being in a peculiar state of civilisation, essentially different from the natives and that it seemed that through such people others might be civilised.<sup>(1)</sup>

The Colonial Office seems to have been convinced that the Orange Free State had encroached upon Griqua territory and to have been anxious lest such movements "which could open to the Boers an extended field for their slave trading operations and probably lead to much oppression of the natives and disturbance of the peace, should be checked."<sup>(2)</sup>

Yet the Governor was warned not to annex any territory or pledge Her Majesty's Government without instructions. The warning was repeated in the New Year "not to be a party to the annexation of any territory which the Cape would be unable to govern by its own unaided resources."<sup>(3)</sup>

The British government, hoping to secure peace on the Northern frontier, were anxious not to take on further responsibilities in South Africa.<sup>(4)</sup> It was hoped that a responsible parliament at the Cape would undertake the administration of the territories of Waterboer where a large community of British subjects was then established on the diamond fields by 1871, if the natives and diggers desired annexation.<sup>(5)</sup> Thus the problem of Griqualand West made more significant the matter of responsible government at the Cape.

The reasons given for the decision to annex were the presence of British subjects on the diamond fields and the probability that they would increase in numbers; the danger to the Cape of disturbances on the frontier if regular authority were not established without delay in Waterboer's territory, and the desire of the chief and new settlers at the fields to come under British rule.<sup>(4)</sup> Barkly later justified his annexation as an atonement to Waterboer for the abandonment

(1) A.39. 1871 - November 19th, 1870 - Hay to Kimberley. Page 9.

(2) Ibid. - November 17th, 1870 - Kimberley to Barkly. Page 12.

(3) Ibid. - January 24th, 1871 - Kimberley to Barkly. Page 13.

(4) G.H. 1/67 - May 18th, 1871 - Kimberley to Barkly.

(5) A.1. 1871.

by Britain of her native allies, when the Conventions were made. (1)

The Colonial Office thus approved of Barkly's despatch of the F.A.M. to Hopetown after the Orange Free State had sent a commando to assist Truter though it stated that Her Majesty's government had no wish to violate any right belonging to the Orange Free State. It refused to enter into arbitration on the point raised by Brand as to Orange Free State rights under Article 2 of the Convention of 1854. (2) It was hoped that arbitration would follow annexation. (3)

The dispute between the British government and the Orange Free State concerned the ownership of the lands South of the Vaal and North of the Vetburg line. It became protracted owing to the stubbornness of both parties. Brand at first refused to submit the matter to arbitration but later consented to a foreign arbitrator. Barkly thought the suggestion would be acceptable to the British government, (4) but the Colonial Office insisted that since the Orange Free State had taken its stand on an interpretation of the convention of 1854 made between Britain and her subjects, the matter was a domestic one which "should be settled amicably among ourselves," as it concerned no-one outside South Africa. (5)

President Brand wished to know how Britain regarded the second article of the Convention -

"whether Her Majesty's government maintains that... it can at any time and under any circumstances assent to the application of any native chief with whom the Orange Free State government may happen to have any difference, without affording to the Orange Free State a full opportunity to show that its interests would thereby be affected and that Her Majesty's government is to judge for itself, without any reference to the government of the Orange Free State, whether the granting of such a request will or will not be injurious or prejudicial to the interests of our government." (6)

Barkly put forward the British view of the Convention -

"It was meant....to give full assurance to that small body of settlers that the powerful native tribes by whom they were surrounded would never directly or indirectly be aided or encouraged

- (1) G.H. 23/32 - June 30th, 1874 - Barkly to Carnarvon.
- (2) G.H. 1/67 - June 3rd, 1871 - Kimberley to Barkly.
- (3) Ibid - July 24th, 1871 - Kimberley to Barkly.
- (4) Ibid - July 20th, 1871 - Kimberley to Barkly.
- (5) Ibid - November 2nd, 1871 - Kimberley to Barkly.
- (6) G.21. 1871 - January 16th, 1871 - Page 145.



by the British government in any aggressions they might commit, but it was never designed to pledge that government to refrain in the improbable event of those settlers becoming in the course of years numerous enough and strong enough to dispossess the natives of lands beyond the ample territories made over to them, from adopting such measures as the welfare of the Cape Colony or the security of its frontiers might render expedient."

He referred to the reception of the Basotho in 1868 as being in accordance with these views and foresaw similar beneficial results from the reception of the Griquas

"....to suppose that in either case the substitution of British for native rule is likely to prove injurious or prejudicial to the Orange Free State is a hypothesis which need not be seriously discussed." (1)

Brand indignantly denied that slave trading operations existed in the Orange Free State, and stated that there was no desire on the part of his government to encroach on the territory of others or to oppress the natives. (2) But the attitude of the Imperial government is shown by the following detail. A letter of Mr. Hamelberg, who as plenipotentiary from the Orange Free State desired to present his credentials, was passed on to the colonial office marked "Slave Trade Immediate." (3)

In actual fact the annexation assumed that the claims of Waterboer were valid without submitting them to the scrutiny of a court as far as the Vetburg lands were concerned and was effected because it was expedient. The British refusal to have this action reviewed from the legal standpoint of the Conventions only made the Orange Free State government more determined to press its legal rights.

[ Before proclaiming the annexation, Barkly tried to obtain a pledge from the colonial government that it would be effected as Her Majesty's government desired. A Resolution introduced by Southey was carried. It affirmed the expediency of the annexation and pledged the colony to make proper provision for the government and defence of the territory and the expenditure thereby incurred. Molteno's amendment that, considering the constitutional questions before parliament and the existence of disputes with the Orange Free State as to the territorial rights of the Orange Free State and natives, the House should not consider annexation, was defeated 27 - 25. ]

- (1) G.21. 1871 - January 23rd, 1871 - Page 158.
- (2) G.15. 1872 - September 6th, 1871. Brand to Barkly. Page 6.
- (3) G.H. 1/67 - September 12th, 1871 - Enclosure.
- (4) G.H. 23/31 - August 15th, 1871 No.87 - Barkly to Kimberley.



The motion of Southey was passed in the Legislative Council by 13 to 6 votes but an amendment that annexation was desirable but should not be carried out till the question of the disputed territory was settled was defeated by 10 to 9 votes only.<sup>(1)</sup>

The Governor remarked on opposition in both houses to immediate action, but also that no attempt had been made to criticise the policy of the colonial government nor to justify the course which the Orange Free State had pursued. Saul Solomon who had voted against the measure, assured him that he had no sympathy with the Orange Free State and approved the policy of the Imperial Government though he "rather dreaded annexation of so distant and troublesome a territory."<sup>(2)</sup>

Moltano told him that there was a strong feeling that the Imperial government wished to shift the quarrel with the Orange Free State off its shoulders onto the colony and that "war with the Orange Free State was repugnant to public feeling here."<sup>(3)</sup> Southey had been understood to mean war by saying that the Cape government intended to lay down a line and stand by it. Moltano also said that the colony would be willing to annex Griqualand West when the dispute with the Orange Free State was settled but that Britain would have greater weight with President Brand than the Cape, especially if foreign arbitration was refused. This he had been told by Mr. Hamelburg.<sup>(3)</sup> However, it was obvious to Barkly that any extra weight the British government might have with the Orange Free State would be neutralised when it was known by what small majorities the Resolution had passed the Cape parliament, without whose sanction the Orange Free State knew Britain would never act. He told Moltano that the British government had been led into its present position by Addresses from the Cape and the unanimity of the Press in favour of annexation and that it would withdraw as soon as it could in honour do so if the Cape left it in the lurch.

Barkly would have been content to leave the matter as it stood after the passage of the first Resolution but was obliged by his instructions to endeavour to have a bill passed that territories annexed should at a given date become part of the Colony and subject to colonial law.<sup>(4)</sup>

(1) G.H. 23/31 - October 15th, 1871 No.87 - Barkly to Kimberley.

(2) Barkly Papers - Note on visit of Saul Solomon wrongly dated 26th January, 1871, in copy. Page 4.

(3) Ibid - July 25th, 1871 - Notes of interview with Moltano. Page 7 - 9.

(4) G.H. 23/31 - August 15th, 1871 No.87 - Barkly to Kimberley.

The Executive Council reported that there was no hope at the present stage of the session when some members had already left Capetown of carrying a bill and strongly recommended that the Governor should limit his endeavours to obtaining approval of the retention of the F.A.M. at the diamond fields and the adoption of such measures as might be required for the administration of justice. On August 5th the resolution of the Colonial Secretary was adopted as an unofficial motion by the Assembly and Legislative Council "that pending the adjustment of the boundary disputes and the passing of a law for the annexation of the diamond fields to this colony - this committee is of opinion that the Governor should be requested to adopt such measures as may appear to him to be necessary and practicable for the maintenance of order among the Diggers and other inhabitants of that territory, as well as for the collection of revenue and the administration of Justice."

Barkly hoped that these resolutions would be accepted as "substantial compliance" with the wishes of Her Majesty's government and that any further steps which he might have to take would be sanctioned by the Colonial Office. He foresaw that he would have to make similar arrangements for governing Griqualand West as had been made when Moshesh and his people were received as British subjects.<sup>(1)</sup> The Secretary of State approved the resolutions. Though commenting that they did not amount to formal compliance with the condition laid down, he was content to trust to Barkly's judgment and discretion.<sup>(2)</sup>

Negotiations with the Orange Free State having entirely failed and no bill having been introduced in the Cape parliament, Barkly decided in the circumstances he had no alternative but to proclaim Waterboer a British subject and annex the territory of Griqualand West which he did on October 27th, 1871. The step was approved by the Secretary of State who wrote that he was convinced Barkly would not have acted in anticipation of formal provision for annexation being made by the Cape parliament if it had not been necessary. The tone of the despatch is decidedly cordial.

(1) G.H. 23/31 - August 15th, 1871 No.87 - Barkly to Kimberley.

(2) G.H. 1/67 - October 2nd, 1871 - Kimberley to Barkly.

(3) G.H. 1/67 - December 8th, 1871 - Kimberley to Barkly.

The Cape view of the annexation became clear in 1872 when a bill for the incorporation of Griqualand West into the Cape Colony had to be withdrawn.<sup>(1)</sup> Barkly seems to have been surprised at the failure of the scheme and remarked that the press had been fairly silent about the provisions of the bill and he had had no reason to expect disfavour. He had thought that the provision that the boundaries were to be those decided by arbitration with the Orange Free State would satisfy moderates among those who favoured the claims of the Orange Free State and that the electoral arrangements for the region were generally favoured.

However, Saul Solomon who had opposed the Resolutions of the previous year, brought in an amendment that until the boundary dispute was settled and in the absence of information about the population of the diamond fields and its position, annexation would not be expedient or even discussion as it would involve discussion of the political representation of the inhabitants. He was supported by John X. Merriman who had favoured the annexation in 1871 and by Watermeyer, a consistent opponent of the measure. Since the anti-responsibles were expected to support Merriman, and the Responsibles Watermeyer, Southey withdrew the motion.<sup>(1)</sup>

The Governor thought that the bill had failed owing to the political circumstances arising from the struggle between the Eastern and Western provinces over the matter of responsible government, not from a fear of incurring expense, or from a desire to embarrass the British Government.<sup>(2)</sup> He recognised that the Cape ministry felt they were in a better position in entering on Responsible Government if they were without the additional task of administering Griqualand West.

The opposition of the Eastern province members to a policy which they had previously favoured arose from a desire to exploit the bill in order to separate the Eastern and Western provinces. It was thought the diamond fields might be attached to the Eastern province as a separate colony.<sup>(3)</sup>

Yet a deeper reason behind the Cape refusal to annex was the Conventions. The Dutch of the Western Cape sympathised with the Orange Free State in their claim to the diamond fields

- (1) G.H. 23/31 - 17th June, 1872 No.63 - Barkly to Kimberley.
- (2) G.H. 23/32 - 30th June, 1874 - Barkly to Carnarvon.
- (3) de Kiewiet - "Imperial Factor in South Africa". Page 13.

and were not anxious for annexation while the boundary dispute was unresolved. People of English origin in the East were inclined to criticise the British government for what they universally regard as the false step of creating the Orange Free State, as to the expediency of which the Cape parliament was never consulted "and thus to be unwilling to shoulder burdens arising from this policy such as the government of the diamond fields."

Barkly thought Griqualand West might continue under its present government for at least a year and hoped to have another opportunity of introducing a bill for annexation, even though the Executive Council drew up a memo urging the British government to take action as they thought it improbable that a colonial act would ever be passed.<sup>(1)</sup> The Colonial Office was displeased and hoped that the proposal to incorporate Griqualand West would be renewed after the formation of a responsible government at the Cape as the British Government had never expected to undertake the government of the territory except as part of the Cape Colony.<sup>(2)</sup> However, in January 1873 the Responsible ministry announced that they refused all responsibility for Griqualand West and would not introduce a bill for annexation.<sup>(3)</sup> Letters Patent - creating a Constitution for the Province of Griqualand West were received at the Cape and the Governor was for the time being to be governor of the new province. Richard Southey became Lieutenant Governor of the Crown Colony of Griqualand West.

Relations between the British and Colonial governments continued to be influenced by the matter of Griqualand West. Barkly, following suggestions made by Southey,<sup>(4)</sup> endeavoured to persuade the Secretary of State in 1874 that it would be advantageous both to the natives and to Great Britain if territory North of Griqualand West were annexed. If the South African Republic should expand to the West beyond the limits of the Keate Award which it had repudiated, and to the Limpopo, the supply of labour for the diamond mines might be checked. Using the familiar argument of the slave trade, Barkly suggested that if civilisation was to be diffused in Africa and the slave trade stamped out, it seemed a

(1) G.H. 27/1 - 19th June, 1872 - Barkly to Kimberley.

(2) G.H. 1/68 - 27th July, 1872 - Kimberley to Barkly.

(3) G.H. 27/1 - 4th January, 1873 - Barkly to Kimberley.

(4) Agar Hamilton - Page 108.

questionable policy to allow the safest and healthiest route to the North to be dominated by the Transvaal. He reported that merchants from Hopetown and Port Elizabeth were in favour of this annexation but that the Cape Ministry had declined to advise him on the matter.<sup>(1)</sup>

The Secretary of State (Carnarvon since April, 1874) most bluntly refused to involve the British government in native disputes North of Griqualand West and stated most pointedly that far from being a matter which did not concern the Cape ministers, he considered the Cape was under an obligation to annex Griqualand West and that this should be done if there were no obstacles.<sup>(2)</sup> Serious doubts were thrown on the wisdom of the annexation of 1871 and a hint dropped that the province of Griqualand West might be abandoned. Southey was rebuked for trying to commit the British government to intervention which might lead to a collision with the Transvaal.<sup>(3)</sup>

Barkly did not publish the whole of this despatch which he called a "disheartening communication",<sup>(4)</sup> explaining to the Secretary of State that to do so would shake confidence in property in Griqualand West and might encourage the Orange Free State government to continue its resistance to arbitration. To Southey he stated that it would put an end to all chance of arbitration.<sup>(4)</sup> By October 1874 it seems to have been acknowledged that a new method of settling the dispute would have to be tried. The Secretary of State wrote "the best course under the circumstances may be to allow the negotiations to stand indefinitely in abeyance."<sup>(5)</sup>

The hypocrisy of the original annexation in 1871 after Waterboer had been proclaimed a British subject was remarked by Froude in 1875.<sup>(6)</sup> He considered the Republics had been wronged by the abandonment of the Conventions. There had been so little feeling for Waterboer that the territory claimed in his name had been split into 1500 farms of 7000 acres each, only 150 of which had been allotted to the chief and his tribe.

In Stockenström's judgment<sup>(7)</sup> March, 1876, 223

- (1) G.H. 23/32 - June 30th, 1874 - Barkly to Carnarvon.
- (2) G.H. 1/70 - April 25th, 1874 No.40 - Carnarvon to Barkly.
- (3) G.H. 1/70 - July 25th, 1874 - Carnarvon to Barkly.
- (4) Wilmot - May 20th, 1874 - Barkly to Southey. Page 303.
- (5) G.H. 1/70 - October 26th, 1874 - Carnarvon to Barkly.
- (6) "S.A. Cape Responsible Government etc." C.1399. Report of Froude. January 10th, 1876. Page 62.
- (7) Agar Hamilton - Page 133.

native claims based on grants from Waterboer were disallowed, only 36 were accepted and these were mainly held by Europeans. 164 Free State claims in the disputed area based on grants from Cornelius Kok were declared valid. The rest of ownership laid down was effective occupation thus Waterboer's claims could not be upheld. Overlooking the last 60 years of their existence, the Griquas were ruled to be nomads and unable to acquire property in land. Native and Griqua chiefs "were chiefs over tribes, not over territories, like all chiefs of nomadic tribes they exercised personal jurisdiction over their followers, but territorial jurisdiction was to them a thing unknown"<sup>(1)</sup> Southey stated in later years that the injustice sustained by the Griquas was gross.<sup>(2)</sup>

Though the interests of the Griquas were neglected after the annexation, their cause which had been made the excuse for British intervention North of the Vaal to check Republican expansion, remained as a dispute between Britain and the Orange Free State. Criticisms of British policy which had repudiated responsibility for natives North of the Orange by the Conventions of 1852 and 1854 were made to justify the reception of the Griquas as British subjects. Criticisms of a change of policy which led to the annexation of Basutoland and Griqualand West and thus violated the Conventions, were made to justify the Orange Free State in its uncompromising assertion of its rights. The Cape colonists benefited from the situation by avoiding the troubles of Griqualand West during the first years of responsible government.

(1) Agar-Hamilton. Page 132.

(2) Ibid - Page 138.

CHAPTER V.

FURTHER INFLUENCE OF GRIQUALAND WEST.

Free State objections to the annexation of Griqualand West were not lessened by observing British policy there, particularly with regard to natives. Cape politicians were confirmed in their decision not to annex by observing the difficulties of the administration. Not only were there innumerable disputes about the ownership of land, a turbulent collection of diggers to be governed with no backing of force except troops hundreds of miles away, but the fact that diamond mines of seemingly inexhaustible depth and richness were worked by a few hundred white men with thousands of black men to aid them, presented unusual problems.<sup>(1)</sup>

Before taking office as Lieutenant Governor, Southey had stated that he would oppose any plan to impose laws on natives which would be applicable to them alone.<sup>(2)</sup> Efforts had been made by the first Diggers' Committee elected at Klipdrift on the Vaal River, to prevent natives from holding claims, but by Proclamation No.71 which appeared with the Proclamation of annexation, natives were permitted to hold claims, and in 1872 Barkly cancelled a proclamation of the local commissioners of Griqualand West preventing natives and coloured persons from holding digging licences.<sup>(3)</sup> In 1871 the Cape Masters and Servants Act was applied to Griqualand West. The sale of liquor to natives was prohibited but frequent complaints show that this law could not be enforced, nor the provisions of the Masters and Servants Act relating to contracts and passes.<sup>(3)</sup>

Though black and white were equal in the eyes of the law, the diggers would not allow the purchase of claims by natives and the law was of no avail against 5,000 determined men.<sup>(4)</sup> However, natives were allowed to work poor claims and there were non-European diggers at the alluvial diggings of Barkly West.<sup>(5)</sup> It was observed that many people favoured the policy of the Orange Free State only a few miles distant where servants might be sent to the nearest Field Cornet and receive "a round dozen or so on vague charges and unsupported assertion."<sup>(4)</sup>

(1) A.13. 1876 - September 28th, 1875 - Barkly to Carnarvon. Page 3.

(2) Wilmot - Page 228.

(3) S. van der Horst - Page 72.

(4) A. Cunynghame - Page 174.

(5) S. van der Horst - Page 73.



Southey thought that discontent in Griqualand West in 1874 had been increased by the determination of the government to protect native labourers from oppression and "artfully fomented by persons belonging to the neighbouring Republics."<sup>(1)</sup> After he had been relieved of his office in 1875 his native policy was abandoned. Natives could no longer hold claims or wash debris and thus had to work as labourers.<sup>(2)</sup>

The strongest objection of the Orange Free State was to the free trade in guns which was allowed in Griqualand West. It was considered to be a violation of the Conventions and a menace to the safety of the Republics.<sup>(3)</sup> But the trade continued as it was an effective incentive to induce natives to work at the fields.

The importance of the trade was recognised by the diggers. A deputation met Barkly in 1872 to impress upon him the importance of the trade in obtaining labour.<sup>(4)</sup> By 1874 it was estimated that there were 10,000 natives on the diamond mines who worked on an average for three to five months. The time was just sufficient for each man to earn enough to buy a gun, which cost from £5 to £7.10. 0d.<sup>(5)</sup>

Orange Free State sentiments, and their influence on the Cape, were indicated by an incident concerning a party of armed Basotho returning to Basutoland from Griqualand West. When stopped in the Free State by a party of Burghers and police, the men refused to surrender their guns and though they offered to return to Griqualand West, two of them were killed and two severely wounded.<sup>(6)</sup> Barkly demanded a judicial investigation of the matter but instead of replying to his letter the Orange Free State government wrote to Molteno saying no further investigation was necessary. It seemed that an effort was being made to enlist for the Orange Free State the sympathy of the Cape ministry.

The advice of the ministers was requested since the Basotho were under the Cape government. They seem to have felt a definite sympathy for the Orange Free State. They "were not disposed to risk a serious collision with the government of that state on a question, originating in the

(1) G.H. 23/32 - December 7th, 1874. No.141 - Barkly to Carnarvon.

(2) de Kiewiet - "Imperial Factor in South Africa" - Page 58.

(3) Froude - "Oceana" - Page 42.

(4) S. van der Horst - Page 69.

(5) Ibid - Page 77.

(6) G.H. 23/32 - April 4th, 1873 No.40 - Barkly to Kimberley.

facility with which natives could obtain firearms at the Diamond Fields and in regard to which therefore, in the view of many persons in the Colony, the Free State had great reason to complain."<sup>(1)</sup> Sir Arthur Cunynghame considered that little blame could be attached to the Orange Free State. The law there prohibited the carrying of arms by natives, very wisely, and they had a right to insist on the law being observed.<sup>(2)</sup> Barkly protested at the lack of Imperial support in this and similar complaints, but Carnarvon decided to take no further action considering the difficulties concerning tribes and states adjoining British territory and the complaints of the Orange Free State about the gun trade at Griqualand West.<sup>(3)</sup>

Though the trade was making relations between Britain and the Orange Free State even worse, and the Cape sympathy continued to be enlisted for the Republic on this account, Carnarvon was not disposed to check the trade. If further restrictions besides the necessity for obtaining a gun licence were imposed, he thought any advantage would be offset by the impetus which would be given to the contraband trade. He saw an advantage in having the trade in the hands of respectable dealers, not smugglers, if restrictions had to be enforced at any time, the armed strength of natives in Griqualand West could be controlled by excluding supplies of ammunition from the territory, if necessary.<sup>(4)</sup>

A more serious disturbance took place in Natal at the end of 1873.<sup>(5)</sup> In this colony Shepstone, as Native Administrator, had settled 80,000 native refugees in reserves since 1845, and recreating the broken tribal system had appointed chiefs and administered native laws under the Lieutenant Governor as Supreme Chief.<sup>(6)</sup>

The petty Zulu chief, Langalibalele, clashed with the Natal government over the matter of the registration of guns obtained from the diamond fields and fled into Basutoland in November.<sup>(7)</sup> Two hundred men of the F.A.M. moved into Basutoland, troops were sent to Natal, Orpen from Nomansland led a band of 600 men furnished by Adam Kok, and Langalibalele

- (1) G.H. 23/32 - April 13th, 1874 No.35 - Barkly to Carnarvon.
- (2) Cunynghame - Page 207.
- (3) G.H. 1/70 - June 23rd, 1874 No.56 - Carnarvon to Barkly.
- (4) G.H. 4/1 - Carnarvon to Barkly - October 26th, 1874.
- (5) G.H. 23/32 - November 15th, 1873 No.112 - Barkly to Carnarvon.
- (6) Walker - Page 282 - 283.
- (7) Walker - Page 360.

was captured in December. (1)

A very stern sentence was passed upon the chief who was sentenced to imprisonment. The lands of his tribe were confiscated and his people dispersed. (2) The Cape Governor, with the advice of his ministers, complied with a request from the Lieutenant Governor of Natal that Langalibalele should be placed upon Robben Island after his trial and conviction and an Act was later passed "to provide for the Imprisonment in the Colony of certain criminals sentenced in the Colony of Natal," No.3 of 1874. (3) Barkly noticed that a despatch of the Secretary of State to Lieutenant Governor Pine referred to the fact that no prisoner could be transported from a colony unless by arrangement made under the Colonial Prisoner's Removal Act (32 and 33 Vic. Cap.10) which required the assent of Her Majesty in Council. He presumed that this would not prevent the detention of Langalibalele on Robben Island as he was already there, where it was best for his safety and comfort as well as for the peace of South Africa, that he should stay. (4)

Bishop Colenso, however, concerned at the needless cruelty of the sentence, travelled to England and was successful in launching a campaign on behalf of Langalibalele and his tribe, which threatened to embarrass the ministry of Disraeli. Carnarvon, anxious that the matter should be reported as settled, when parliament met at the beginning of the session, (5) informed Barkly of the British decision that Langalibalele should be moved from Robben Island to a location on the mainland. He explained that the proceedings in Natal had been irregular and the sentence imposed beyond the competency of the court which pronounced it. Act No.3 of 1874 would be disallowed when the prisoners had been moved. It was made plain that the Secretary of State laid no blame on the Cape legislature whose desire to help a sister colony, and interest in Natal affairs was appreciated. (6) Writing personally to Barkly, Carnarvon pointed out that there had been a miscarriage of justice in Natal both towards the chief and towards two large tribes and that he could not have done less than ask the Cape to transfer the chief and his son to the mainland,

- (1) G.H. 23/32 - December 24th, 1873 - Barkly to Carnarvon.
- (2) de Kiewiet - "Imperial Factor in South Africa." Page 37.
- (3) G.H. 23/32 - December 24th, 1873 - Barkly to Carnarvon.
- (4) Ibid - August 14th, 1874 No.96 - Barkly to Carnarvon.
- (5) P.A. Molteno - February 9nd, 1875 - Froude to Molteno. Vol.1, Page 276.
- (6) G.46. 1875 - December 4th, 1874 - Carnarvon to Barkly. Page 2.

considering public feeling in England, and "in conscience and in justice." He expressed his anxiety that no difficulties should be created in the delicate matter of relations between the South African colonies and the native tribes, and that Barkly should urge compliance on the ministry.<sup>(1)</sup>

[The agitation created by Colenso and the reports in British Papers alarmed the ministry. Molteno wrote, presumably before the arrival of Carnarvon's despatch, admitting that the sentence against Langalibalele and his subjects had been harsh though it had been redressed as far as possible, but saying that the chief's defiance of the government was deliberate, that serious disturbances would have taken place if he had not been caught, in native opinion he was justly punished and that his release would be a calamity. It would disturb the peace and satisfactory conditions of the past twenty years, and add greatly to the difficulty of native administration at the Cape. He questioned whether the Cape having responsible government could be expected to bear the brunt of a policy which was not its own.<sup>(2)</sup>

The Cape ministry were emphatic against what was considered British interference. They refused to have Langalibalele on the mainland, claiming there was no law to enforce restrictions against entering Natal upon him, i.e. he was likely to escape, and that the decision had been made without prior consultation with the Cape as to whether its rights were affected.<sup>(3)</sup> The points on which they feared attack in the Assembly were, whether the British government had the unlimited right which it claimed, of transferring prisoners to the Cape colony, and whether it had a right to interfere in the management of native affairs without consulting the Legislature or the Natal Council.<sup>(4)</sup>]

Barkly thought the ministers were anxious to carry out the plan of the Secretary of State as far as they could venture to do so, but that they had not misjudged the feeling of the country. Newspaper articles had suggested that the liberation of Langalibalele would go far to sever the connection between the Cape and the British Empire. Molteno thought that, far from being a reflection on the working of responsible government, it was just as well that the issue should have arisen after the granting of responsible government as the indignation caused by the articles in the British press

- (1) Barkly Papers - December 16th, 1874 - Carnarvon to Barkly.
- (2) G.46. 1875. Page 6.
- (3) G.46. 1875. Page 4.
- (4) Barkly Papers - January 5th, 1875 - Barkly to Carnarvon.

was so great that had a Governor attempted to transfer Langalibalele to the mainland on his own responsibility, a revolution would have occurred.<sup>(1)</sup>

There was a general fear that the release or escape of the chief would have repercussions on the tribes adjacent to the Cape. Brownlee produced the information that Langalibalele had a great reputation as a magician and that floods at the end of 1874 were attributed to his captivity. He was known to have connections with many of the tribes through his very large family (54 sons and 68 daughters). Of the prisoners who had been placed on Robben Island in the days gone by, Macomo, the great general, had died there; Umhlala had only been released after a long captivity; Lynx, famous in 1819, had died trying to escape. If Langalibalele were released, he would be regarded as greater than all these. There were fears lest Rhili should join with other tribes if there seemed to be a prospect of regaining lands which he had forfeited in 1858. It was known that this chief was regarded as their Paramount by the Ngqika and wielded great influence.<sup>(2)</sup>

Commandant Bowker of the F.A.M. reported on the lively interest shown by Rhili and other Transkei chiefs when Langalibalele fled from Natal, which had prevented him from accompanying the patrols to Basutoland and Nomansland as the frontier could not be left unguarded.<sup>(3)</sup> So general had the fear of disturbance been that people in frontier towns had shown themselves eager to form Volunteer Corps for their protection.<sup>(4)</sup> When the panic had died down the incident had been regarded with satisfaction as having created a strong impression of the power and resources of the government in Basutoland<sup>(5)</sup> where the chiefs had shown friendship to Langalibalele, and in the territory from the Cape to Natal.<sup>(6)</sup> Yet Bowker, confessing himself to be an alarmist, feared trouble, and Griffith thought the affair might lead to further mischief.<sup>(7)</sup>

[ It was Barkly's task to try to reconcile the ministry and the Secretary of State. To this end he sent a memorandum to the ministers with Carnarvon's latest despatch urging compliance with his views as imprisonment on the mainland of the colony was the safest and least objectionable alternative

- (1) Barkly Papers - January 5th, 1875 - Barkly to Carnarvon.
- (2) G.46. 1875 - Memorandum of Brownlee re Langalibalele. P.6.
- (3) G.38. 1874 - May 1st, 1874. Page 1.
- (4) A.1. 1874.
- (5) G.H. 23/32 - January 26th, 1874 No.12 - Barkly to Kimberley.
- (6) G.27. 1874 - Secretary of Native Affairs to Colonial Secretary. Page 116.
- (7) Barkly Papers - October 9th, 1874 - Molteno to Barkly.

since the Queen had determined on the release of Langalibalele from Robben Island.<sup>(1)</sup> With becoming diffidence, Molteno told the Governor that his action was a deviation from the usual constitutional procedure. By sending the memorandum he had placed the ministry in a position where "instead of the advisers of the Governor, they would be looked upon as merely acting thereby."<sup>(2)</sup> However, despite this second protest at unconstitutional procedure, the ministers decided to bring in a bill next session to repeal Act 3, 1874, and meet the requirements of the Secretary of State.<sup>(3)</sup> Regulations were drawn up for Langalibalele and Mahlambule, his son, to be detained at the farm residence and government grounds at Uitvlugt, an area of about 1,650 acres.<sup>(4)</sup>

Carnarvon had stated in so many words that he had no wish to dictate to the colony in matters where they were responsible under the Constitution of the Colony, but that the Colonial Act had set aside the provisions of a British Act. He had urged compliance with his despatch saying that though Act 3 would definitely be disallowed, he had delayed doing so to enable the Cape to substitute other legislation for it and to take administrative action. He had also modified the action of the Cape as little as possible to meet the demands of justice as well as public opinion.<sup>(5)</sup>

The ministry, knowing that Act 3 would be disallowed if they did not repeal it and that the imprisonment of Langalibalele in the peninsula was preferable to his return to Natal, had little choice in the matter. The opposition took advantage of their position to attack them for allowing the Imperial government to dictate the policy of a responsible ministry. They made out that the Bill was Carnarvon's rather than Molteno's and that the ministry were indifferent to its fate.<sup>(6)</sup> This attitude was regarded as superficial by the "Cape Argus" which referred to intrigues whose real object was the overthrow of the ministry. It became plain that the matter of Langalibalele's removal from Robben Island was less important than the fate of the ministry.<sup>(7)</sup>

- (1) Barkly Papers - March 18th, 1875 - Memorandum of Sir H. Barkly to Ministers.
- (2) Ibid - March 19th, 1875 - Molteno to Barkly.
- (3) G.46. 1875 - March 22nd, 1875 - Minute of Ministers - Page 9.
- (4) A.17. 1875.
- (5) G.H. 1/71 - February 15th, 1875 No.19 - Carnarvon to Barkly.
- (6) "Cape Argus" - April 24th, 1875.
- (7) Ibid - May 6th, 1875.



Moltano took his stand on the position that questions might arise on which the colony should at all hazards oppose the Imperial government but the present matter did not warrant such action.<sup>(1)</sup> Ministers were charged with inconsistency and with not taking a stand on principle (though the "Cape Argus" commented it was not made plain wherein principle rested in this instance<sup>(1)</sup>). Mr. Sprigg thought Langalibalele would be worse off on the mainland. He condemned the ministry for not resigning on receipt of Carnarvon's despatch and said people should have taken the same stand as they did in the anti-convict agitation of 1849. He charged the ministers with being weak and incompetent and truckling to the Secretary of State.<sup>(2)</sup> Mr. Paterson openly wished to turn out the ministers with the exception of the Prime Minister.<sup>(1)</sup> The Bill passed the Second Reading 34 - 21 and passed the Second Reading in the Legislative Council on June 2nd by 15 - 3.<sup>(3)</sup> The matter had excited the colony for months.

The chief interest of the Langalibalele incident lies in the fact that it demonstrated the necessity for a more uniform native policy in South Africa, and the close interconnection between the interests of separate colonies. Free trade in guns at the diamond fields had been partly responsible for the panic in Natal. Cape sympathy had resulted in the passage of an Act to imprison Langalibalele on Robben Island. This had embarrassed the British government. The decision to disallow the Act had caused a constitutional crisis and an attack on the ministry. It was remarked that Langalibalele's powers as a magician had been amply demonstrated.

[ The incident also showed the temper of the government at the Cape. The ministers tried their best to resist Imperial interference in a matter connected with native policy, and great excitement was caused by their final acquiescence in the wishes of the Secretary of State. They were likely to be quick to defend their independence in future.]

(1) "Cape Argus" - May 6th, 1875.

(2) Ibid - May 11th, 1875.

(3) Ibid - June 2nd, 1875.



CHAPTER VI.

FEDERATION 1875 - 1877.

The necessity for co-operation between the states and colonies in South Africa, because of the strength of native tribes by which they were surrounded and the desire of the Cape colonists to be free of Imperial interference in its affairs, led to further difficulties between the Colonial and Imperial governments.

The close inter-relation of tribes in different regions of South Africa had been noticed before 1875. Wodehouse had drawn attention to the similarity of interests among tribes from the Cape to Natal.<sup>(1)</sup> The Select Committee which recommended the annexation of Basutoland in 1871 remarked that through this region communication took place between the frontier tribes and the Zulu.<sup>(2)</sup> Molteno, disturbed lest Langalibalele should escape from detention on the mainland, drew attention to the relationship between the Natal chief and the Transkei tribes, and was aware that no steps could be taken in Natal which would not have repercussions on the Cape, so intimate were the connections between the natives in all parts of South Africa.<sup>(4)</sup>

Brownlee had written of Langalibalele's influence in the Cape. In a long and fascinating memorandum on the frontier tribes<sup>(5)</sup> he described the changes which were taking place among the natives as a result of the defeat of the Matabele and Zulu by the Boers and the protection of weak tribes by the white men. Strong tribes had begun to make alliances with those they had previously oppressed, e.g. Zulu and Langalibalele. A great impetus had been given to the movement by the discovery of diamonds and the coming into contact at the fields of men from many tribes. The same meeting "combination and association" of men from tribes unknown to each other or previously hostile was going on at the public works in the colony. Brownlee recognised that the change among the natives called for a change of policy towards them, and that the days when the direct relations of the colony were confined to the tribes on the immediate border

(1) vide Chapter 1. Page 3.

(2) C.1. 1871. Page 3.

(3) G.46. 1875 - Page 6.

(4) "S.A. Cape Responsible Government" C.1399. Report of Froude - January 10th, 1876. Page 64.

(5) G.21. 1875 - Memorandum of Brownlee. Page 129.

were over. Formerly when the colony was at war with one tribe, others would very likely look on with indifference or satisfaction that a rival was being humiliated, but matters were seen to be changing.

Reports such as these, the desire to settle the long standing disputes with the Orange Free State over Griqualand West, and with the South African Republic over the Keate Award, besides the hope that the Republics might be persuaded to adopt milder policies with regard to native tribes,<sup>(1)</sup> led Carnarvon to decide on a South African conference. He was convinced of the necessity for confederation, to cheapen the administration of government in South Africa, to lessen the possibility of demands for aid in money and Imperial troops, and above all to provide a strong native policy.<sup>(2)</sup>

Barkly, who had been obliged to drop the matter of confederation in 1873 as his ministers wished to give their attention to other matters,<sup>(3)</sup> had agreed with Molteno in 1874 that the time for federation had not come as it would check the process of amalgamation going on between the Eastern and Western provinces.<sup>(4)</sup> Yet it is clear that he hoped to solve the problem of Griqualand West by such means.

In the famous despatch of May 4th, 1875, Barkly was informed of the plan to hold a conference at which Britain and the South African states and colonies should be represented. Attention was drawn to the Langalibalele affair which had brought into prominence native policy in South Africa, and the danger of having divergent policies in different states. The danger of "widely extended disaffection" was mentioned and the high cost of defence. It was hoped that a more uniform course of action on various matters might be discussed besides the arrest and surrender of criminals and minor territorial matters.<sup>(5)</sup>

Federation was mentioned only as a possible topic of conversation, but it was made clear that Her Majesty's government would favourably consider any suggestion on this all important matter "assuming always a due regard to certain considerations of Imperial and native policy."<sup>(5)</sup>

(1) Barkly Papers - September 2nd, 1875 - Molteno to Barkly. quotes letter of Mr. Fuller, Emigration Agent in London. Page 62.

(2) de Kiewiet - "A History of South Africa" - quotation Page 101.

(3) A.I. 1873.

(4) Barkly Papers - June 25th, 1875. Barkly to Carnarvon.

(5) G.H. 1/71 - May 4th, 1875, No.39 - Carnarvon to Barkly.

Barkly was distinctly ordered to send on the despatch to the Presidents of the Republics and the Lieutenant Governors of Natal and Griqualand West after considering it in conjunction with his ministers. Carnarvon requested that the despatch should be given the fullest publicity without delay so that all to whom it was of interest should understand precisely what the British government had in view.<sup>(1)</sup>

A most decided hint was contained in the despatch that Barkly should not be the President of the proposed conference. Sir Arthur Cunynghame as Lieutenant-Governor was mentioned as an alternative. Suggestions were made as to the possible delegates from the colonies - Mr. Molteno for the Western province, Mr. Paterson for the Eastern province, Mr. Shepstone for Natal, Mr. Southey for Griqualand West. Mr. Froude was to represent Great Britain.<sup>(1)</sup>

It was unfortunate that the despatch arrived on the very day that the bill for transferring Langalibalele to the mainland was passed. The ministers had been taken severely to task for allowing the British government to dictate to them in a matter concerning native policy.<sup>(2)</sup> Notwithstanding the divergencies of policy in different regions in South Africa, and the realisation that the time was at hand for a change in policy to meet changing conditions among the natives, they advised against accepting the invitation of the Secretary of State. They objected to the proposal for representatives from the Eastern and Western provinces lest the unfortunate distinction which had in times past caused much inconvenience, should be revived, and also that the number of delegates from the Cape should have been laid down and names suggested.<sup>(3)</sup>

Barkly decided to await further instructions through Froude about sending on the despatch.<sup>(4)</sup> He was faced with a dilemma since his ministers declined to advise a conference and threatened to resign if he published the despatch. It seemed to him likely that the ministry would be returned to office if he accepted their resignation.<sup>(5)</sup>

The despatch was laid on the table of the House of

- (1) G.H. 1/71 - May 4th, 1875 No.39 - Carnarvon to Barkly.
- (2) vide Chapter V. Page 60.
- (3) Minute of Ministers - June 7th, 1875 - Published June 8th Supplement to "Standard & Mail."
- (4) Barkly Papers - June 15th, 1875. Barkly to Carnarvon.
- (5) G.H. 27/1 - December 6th, 1876 - Barkly to Carnarvon.

Assembly, accompanied by the ministerial minute;<sup>(1)</sup> it had an unusual reception. Rumours of the contents had got abroad<sup>(2)</sup> and members listened with the greatest attention as the Clerk of the House began reading the despatch, some with necks outstretched in order to get a better view of him. When he came to the mention of Sir Arthur Cunynghame there were roars of laughter which were repeated when Mr. Froude's name was read. The suggestion of Mr. Paterson as a delegate completed the joke "and the remainder of the document was listened to as if it formed part of a comedy." The ministerial minute was received with cheers.<sup>(3)</sup>

The ministers were supported on this occasion by Mr. Sprigg and the Resolution of ministers against the confluence was confirmed by 32 votes to 23.<sup>(4)</sup> Froude remarked that even in the height of the revolutionary agitation in America no despatch from Europe had been treated as this one had been. The violence could only have been exceeded if it had been ordered to be burned by the Hangman.<sup>(2)</sup> The fact that there had been no previous intimation that such an invitation was likely seemed to indicate a high handed attitude on Carnarvon's part and the suspicion was confirmed by the suggestion of the names of the delegates which included the leader of the opposition and was regarded as an attack on the ministry.

The views of the cabinet on the native questions, the discussion of which was to have been the main purpose of the conference, conflicted with Carnarvon's suggestion for a unified policy. It was pointed out that in the Cape, where the government had to deal with the largest numbers of natives, policy had varied with varying conditions and that the natives in different parts of South Africa did not live in similar conditions, thus needed different treatment. The danger of combinations of natives was described as "utterly unheard of in South Africa." In all previous wars disunity among native tribes had been a factor in the white man's favour and native allies had been used by colonists. It was alleged that Carnarvon's policy would bring about combinations of natives which did not in fact exist.<sup>(5)</sup>

- (1) Minute of Ministers - June 7th, 1875 - Published June 8th. Supplement to "Standard & Mail."
- (2) Barkly Papers - Memo of conversation with Froude. Page 26.
- (3) "Cape Argus" - June 10th, 1875.
- (4) G.H. 23/33 - June 14th, 1875 No.76 - Barkly to Carnarvon.
- (5) "S.A. Cape Responsible Government etc." C.1399. September 14th, 1875. Page 31.

The ministers stated that they saw no reason for a discussion about the gun trade. The laws of the colony were framed to prevent guns reaching natives, as were those of Natal and the Republics. They suggested that if this was not the case in Griqualand West, the matter might be remedied by legislation, "no conference seems necessary on the point." They added that in the Cape, coloured people could not be debarred from possessing arms, and that even if there were a common agreement, it would not prevent natives from obtaining arms from outside the confederated states.<sup>(1)</sup>

However, the Cape laws were defective as is shown by magistrates reports.<sup>(2)</sup> Sir A. Cunynghame noticed that there was no need for guns to be sold under such fictitious names as "baboon's thighs" by which they were known to natives. Even the highest law officers, he alleged, were unable to explain the laws about guns.<sup>(3)</sup> The old law that a gun could be taken from a man was in force, but it conflicted with a law permitting the purchase of guns and powder. In no case was the mere possession of guns illegal.<sup>(4)</sup>

Froude's comments are illuminating. He reported that the Cape statement that laws about guns were well executed, could hardly be taken seriously, and mentioned instances to prove his assertion. He thought the universal passion for obtaining guns (20,000 into the locations in the last four years) was more easily understood than the cynical attitude of Cape merchants. These men, safe in the Western province, shielded their actions with the pretence that natives armed with guns were less dangerous than those armed with assegais, an opinion unintelligible to soldiers. Sir Garnet Wolseley agreed with him that the arming of natives presented a serious problem.<sup>(5)</sup>

It is difficult to believe that ministers were honest in their replies to Carnarvon's despatch, considering the views they had expressed shortly before its arrival, but the magistrate's reports for 1874 had given some cause for satisfaction.<sup>(6)</sup> Politicians made remarkably complacent

- (1) C.1. 1875. September 14th, 1875 - Memorandum of Ministers.
- (2) vide Chapter 11. Page 23.
- (3) Cunynghame - Page 55.
- (4) Molteno Papers. November 25th, 1877. Private letter - Frere to Molteno. Page 91 - 103.
- (5) "S.A. Cape Responsible Government" C.1399 - Report of Froude - January 10th, 1876. Page 75 - 76.
- (6) vide Chapter 11. Page 18 - 24.

remarks about Cape native policy. Molteno and Sprigg expressed themselves entirely satisfied with a policy which was exceedingly successful.<sup>(1)</sup> "Has there ever been a time within the memory of the oldest member of his House when the natives within and beyond the border were more peaceably disposed than at present."<sup>(2)</sup> Saul Solomon said there were no questions of native policy to settle in the Cape, and that Carnarvon himself had admitted that natives there were progressing rapidly towards civilisation.<sup>(3)</sup> The feeling of the government was expressed in a speech by Sprigg to his constituents at Port Elizabeth, that the greatest kindness the Imperial government could show to the colony was to leave it alone.<sup>(4)</sup>

It was clear that the Cape had much to gain from remaining isolated for the time being, and ministers were anxious not to be made liable for the defence of Natal, nor for the management of the native population there.<sup>(5)</sup> They drew attention to the fact that a new policy had been inaugurated there by Sir Garnet Wolseley which would need great care, besides time and "a very considerable amount of extraneous aid" if it were to be successful.<sup>(5)</sup> This may be considered the main reason for the refusal to join a conference.

Speaking during the debate which followed the reading of Carnarvon's despatch, Saul Solomon destroyed one of the arguments about Natal which was later put forward by Froude<sup>(6)</sup> who maintained that he came with no policy but that Britain wished for advice about Natal, which it was admitted affected the Cape. Solomon drew attention to the fact that Britain had introduced a new policy in Natal in April 1875 and published it to the world before calling a conference to decide what that policy should be. He contrasted the policy of the Liberals, anxious to grant large powers of self-government to colonies, and refrain from interference with their domestic affairs, with that of the Conservatives, ostensibly anxious to preserve the solidarity of the Empire. The present

(1) P.A. Molteno - Volume 1, Page 349.

(2) "Cape Argus" - June 15th, 1875.

(3) Ibid - June 12th, 1875.

(4) Ibid - August 21st, 1875.

(5) "S.A. Cape Responsible Government" C.1399. September 14th, 1875, Page 31.

(6) "S.A. Cape Responsible Government" C.1399 - Report of Froude, January 10th, 1876. Page 65.

despatch seemed to indicate a desire to interfere "and that largely" with the internal affairs of the colony, and the appointment of Mr. Froude as Imperial delegate lent colour to the suggestion as he was known to consider the colonies had had in some matters, e.g. crown lands, too much power of self-government granted to them.<sup>(1)</sup>

Froude had travelled in South Africa from August to December 1874 in a private capacity, but was by his own saying partly responsible for Carnarvon's decision to hold a South African conference.<sup>(2)</sup> On his bumpy journey by postcart he had come to the conclusion that there was much to be said for the Republics.<sup>(3)</sup> He noticed their successful management of native affairs and thought Langalibalele incident would not have been possible in their territories.<sup>(4)</sup> In particular the Orange Free State could complain of bad faith in the breaking of the Conventions by Britain.<sup>(5)</sup> He was aware of the folly of alienating the majority of the Cape population by the dispute with the Orange Free State, especially as responsible government had been granted. His views were known in the Cape as he had made speeches on his tour and had spoken in favour of the Orange Free State system of native policy rather than that of Natal in a speech in London on March 20th, 1875.<sup>(6)</sup>

If federation should take place in South Africa, Froude saw that the Dutch party would be in a majority in a federal parliament and that Britain would have two alternatives as to native policy. She could allow the colonists to carry out their own policy, which would probably be the more severe system which the Orange Free State found satisfactory, or she could dictate a policy

- (1) P.A. Molteno. Vol.1 - quotation - Page 352.
- (2) Ibid - Vol.1 - April 29th, 1875 - Froude to Molteno - Page 337. (Quotation)
- (3) Froude - "Short Studies on Great Subjects" - Vol.IV - Page 394.
- (4) Froude - "Oceana" - Page 37.
- (5) "S.A. Cape Responsible Government" C.1399 - Report of Froude - January 10th, 1870. Page 59.
- (6) "Cape Argus" - April 17th, 1875.



in which case she would have to govern the country as India was governed, keeping control of the military and police force, and being responsible for the whole administration. If an attempt were made to combine the two systems she would inevitably find herself in collision with a responsible ministry.<sup>(1)</sup>

On his arrival in Capetown he was surprised to find that the matter of a conference had apparently been disposed of - and undertook the task of re-opening the question. He suggested that the Governor might announce his own opinions on a conference in the Speech from the Throne, and also that he might dissolve parliament, without the intervention of the ministry. Barkly considered both these recommendations impossible, as they were in his opinion unconstitutional to act on the first would have meant the resignation of the ministry. He also thought it unconstitutional for the Governor in his capacity of High Commissioner to make statements outside the colony, i.e. in Griqualand West, which he could not have made in the Cape, and refused to act on Froude's later suggestion that he should do this.<sup>(2)</sup>

Froude decided that Barkly's attitude was one of hostility<sup>(3)</sup> and refusing the hospitality of Government House, moved to a hotel.<sup>(4)</sup> He proceeded to criticise Barkly's annexation of Griqualand West<sup>(5)</sup> and to hint that the Governor was subservient to the ministers.<sup>(6)</sup> The attack on the Governor was a move to win over to the conference policy the Cape Dutch who had sympathised with the Republics. Barkly was not in favour with the Republics after years of annoying correspondence with them, a fact which accounts for the suggestion of the Lieutenant-Governor

- (1) Froude - "Short Studies on Great Subjects" - Vol.1V - Page 380.
- (2) G.H. 27/1 - December 6th, 1876 - Barkly to Carnarvon.
- (3) Barkly Papers - September 25th, 1875 - Froude to Barkly. Page 93.
- (4) Barkly Papers - June 19th. Page 28.
- (5) "Cape Argus" - June 29th, 1875 - Speech of Froude, June 26th.
- (6) Barkly Papers - June 24th, 1875 - Froude to Barkly, Page 39.

as President of the Conference. It is hardly surprising that Barkly, represented as he thought, as the chief stumbling block to the conference,<sup>(1)</sup> should have sympathised with the ministerial protest against Froude,<sup>(2)</sup> and wished the wind taken out of his sails, (his expression) by calling parliament together early.<sup>(3)</sup>

Froude opened his campaign by speaking at a dinner organised in his honour by members of the parliamentary opposition. Press comments on the dinner before his arrival had considered it bad taste to honour Froude as Her Majesty's representative in South Africa, when the Governor by his commission was the holder of that position.<sup>(4)</sup> The Governor and the ministers did not attend. Molteno expostulated with Froude for lending himself to a political agitation.<sup>(5)</sup> Mr. J.H. Hofmeyr was one of the speakers at the dinner. He was interested in the plan for federation and thought the annexation of Griqualand West and the negotiations with the Republics had been badly handled by the Governor.<sup>(6)</sup>

The aim in view was to enlist public sympathy for a conference. Froude expressed respect for Molteno's views on responsible government. The Prime Minister had told him that having an official position he should not make political speeches but act through the ministry. However, he considered that since the conference was not to be held he had no official position and that in advocating only the policy of the dispatch he was not introducing any new subject or opposing the ministry. He attempted to counteract the opposition to the suggestions of the names of the delegates by saying that Molteno might have had the management of the whole conference

- (1) Barkly Papers - September 4th, 1875 - Molteno to Barkly. Page 66.
- (2) Barkly Papers - September 23rd, 1875 - Barkly to Molteno.
- (3) Barkly Papers - Note - September 16th, 1875. Page 71.
- (4) "Cape Argus" - June 15th, 1875.
- (5) Barkly Papers - Page 29.
- (6) Hofmeyr - "Life of J.H. Hofmeyr" - Page 118.

and that the names mentioned were only recommendations. He stated that Britain was anxious for the peace and security of South Africa since it was an important strategic position. The need for retaining the Cape was felt to be ten times greater than in the days of Napoleon.<sup>(1)</sup>

An attack on Froude was made in the Argus of June 22nd, before his speech at the dinner.<sup>(2)</sup> He was thought to have inspired Carnarvon's despatch and thus to be responsible for the clamour for Separation which was beginning in the Eastern province. A monster meeting and a petition for separation was reported from Grahams-town,<sup>(3)</sup> and another in Port Elizabeth on July 10th at which a resolution supporting federation was carried. He was criticised for rousing the feelings of the Dutch population of the West by expressions of sympathy for the Orange Free State, presumably on his former visit.<sup>(2)</sup> It was sarcastically remarked after Froude had toured Stellenbosch, Paarl and Malmesbury that he had found perfect representatives in the Western Cape of the brave Dutch who fought against the Spanish in the 16th century.<sup>(4)</sup> Speaking at a dinner arranged at Worcester, Froude again tried to assure his audience that Britain did not desire to dictate to the Colony, in fact wished to leave the colonists to manage their own affairs while Britain protected the coasts of South Africa. Though he pointed to a future where a South African state which could undertake its external defence might be wholly independent of Britain if it so desired, and stressed this possibility, he stated that for the present South Africa would have to remain a British dependency.<sup>(5)</sup>

(1) "Cape Argus" - June 29th, 1875 - Speech of Froude, June 26.

(2) Ibid - June 22nd, 1875.

(3) Ibid - June 24th, 1875.

(4) Ibid - July 22nd, 1875.

(5) Ibid - July 24th, 1875.

By printing one paragraph without the remarks which follow it, P.A. Moltano has misrepresented this speech as a contradiction of statements made by Froude in his speech at the Capetown dinner.

P.A. Moltano - Vol.1, Page 388.

Carnarvon decided in July that if the Cape would not join a conference, perhaps one might be held in Natal without her,<sup>(1)</sup> and thither Froude journeyed in August to make arrangements. At the end of the month he wrote to Barkly from Pietermaritzburg hoping that, considering the amount of support for a conference that had been shown in the Cape colony, the ministry would reconsider its decision against attending, and announcing his return to Capetown.<sup>(2)</sup> By this time all the newspapers, except the "Cape Argus", were in favour of a conference.<sup>(3)</sup> However, the ministers had not changed their minds<sup>(4)</sup> and as Froude heard from Wolseley that Molteno would not give way he broke his journey and attended meetings in Port Elizabeth and Grahamstown to urge Carnarvon's views on the Colony.<sup>(5)</sup>

Disapproval was expressed at these meetings that the Cape should not be represented at a conference if one were held at Pietermaritzburg and their object was to press the Governor to assemble parliament without delay. Froude expected similar requests to be made in the Western province and informed Barkly that in such case he would have to communicate officially with him to find out what he was going to do.<sup>(6)</sup> He explained to the Governor that hearing that there was no hope of changing Molteno's decision he had decided that the only thing to do was "to ask the people if they accepted that resolution for their own."<sup>(7)</sup> He also allowed a rumour to get abroad through Wolseley that Molteno had been proposed and had expressed himself in favour of it.<sup>(8)</sup>

- (1) G.H. 1/71 - July 15th, 1875 No.64 - Carnarvon to Barkly.
- (2) Barkly Papers - August 21st, 1875 - Froude to Barkly - Page 50.
- (3) Barkly Papers - September 2nd, 1875 - Molteno to Barkly - Page 62.
- (4) Barkly Papers - Molteno to Barkly. Page 53.
- (5) Barkly Papers - September 24th, 1875 - Froude to Barkly. Page 89.
- (6) Barkly Papers - September 12th, 1875 - Froude to Barkly. Page 74.
- (7) Barkly Papers - September 24th, 1875 - Froude to Barkly. Page 91.
- (8) Barkly Papers - September 16th and 18th - Molteno to Barkly. Page 81.

Froude's propaganda was so successful that it began to appear that the majority of the colonists were in favour of the plan for a conference, though it had been rejected by the government. A special session of parliament, to open November 10th, was decided upon by the ministry,<sup>(1)</sup> after some hesitation.<sup>(2)</sup> Barkly's situation became an exceedingly difficult one. Froude wished to know what passed between the Governor and the ministry. The Governor could not tell him without the consent of the ministers who were unwilling to let Froude know their plans as they regarded him as being in league with the opposition.<sup>(3)</sup> Carnarvon reminded him that if there appeared to be a difference between public opinion and the decision of parliament, the constitutional procedure would be to dissolve parliament and let the country decide the issue.<sup>(4)</sup>

The reason why this course was not adopted seems to have been the fact that the ministry was to some extent pledged to annex Griqualand West, and also that the alternative to the Molteno Government was one pledged to federation and the separation of the Eastern from the Western province. Barkly agreed with Molteno that this would be a disaster for the colony.<sup>(5)</sup> He thus induced Molteno to modify the Resolution censuring the British government for causing an unconstitutional agitation and present it as an attack on Froude, acting in the name of that government. Ministers protested against his extraordinary and unprecedented behaviour in stirring up an agitation against the government in a colony where responsible government had been granted.<sup>(6)</sup> And they protested again after Carnarvon had written rebuking Molteno for giving notice of a motion criticising the British government.<sup>(7)</sup> Ministers

"respectfully submit, that they, as well as the Right Honourable the Secretary of State for the Colonies, are servants of Her Majesty, bound to give advice to Her Majesty's Representative in this Colony, without fear, favour or prejudice, even when such advice may be inconsistent with the opinions of Her Majesty's Advisers in Great Britain." <sup>(8)</sup>

The speeches made by Froude had produced the disturbing impression that Carnarvon contemplated introducing a native policy which would mean a retrogression from the principles formerly followed by the Cape government. The

- (1) Barkly Papers - Telegram September 14th, 1875. Page 77.
- (2) Barkly Papers - August 27th, 1875. Molteno to Barkly. p.60.
- (3) G.H. 27/1 - December 6th, 1876 - Barkly to Carnarvon.
- (4) G.H. 1/71 - October 22nd, 1875 No.111 - Carnarvon to Barkly.
- (5) Barkly Papers - November 16th, 1875 - Barkly to Carnarvon.
- (6) "S.A. Cape Responsible Government" C.1399 - September 14th, 1875 - Page 33.
- (7) G.H. 1/72 - January 24th, 1876 No.155 - Carnarvon to Barkly.
- (8) G.40. 1876 - March 14th, 1876 - Minute of Ministers. p.8.

ministry protested that though their system of native management might not be perfect, advancement should follow the principles already laid down. Froude's ideas they regarded as crude and impracticable.<sup>(1)</sup>

By his approval of Froude's proceedings Carnarvon showed that the British government was prepared to coerce the Cape Ministry.<sup>(2)</sup> It was asserted that Froude had not done anything unconstitutional. Ministers had been given the opportunity of being the instrument by which the Imperial policy should be made known. The significant fact is that Carnarvon was determined to make his views known, whether the ministers acquiesced in them or did not.<sup>(3)</sup>

The Secretary of State took advantage of the situation to clarify the matter of what relations should exist between Britain and the responsible ministers at the Cape through the Governor and High Commissioner. He wished it to be clearly understood that it was for Britain to decide what were the interests of South Africa as a whole, and not the Cape ministers. The matters to be discussed at a conference were not confined to the Cape and were urgent.<sup>(4)</sup> He implied that the Cape politicians did not possess sufficient breadth of outlook to appreciate his proposal.

Barkly was criticised for not sending on the despatch of May 4th as directed

"it was in the position which you hold as Her Majesty's High Commissioner as well as Governor that I preferred to make the communication through you, but the time and manner of doing this was not a question left open to your discretion or to be decided by the advice of the ministers of one Colony." (4)

He defended himself by describing the situation in which he was placed at the time with regard to the ministry, also by indicating the position in which he had stood as Governor and High Commissioner since 1872, ready to be advised by his ministers. The weakest point of his argument was that the despatch had been published in the Cape after it was presented

- (1) G.40. 1876 - March 14th, 1876 - Minute of Ministers - Page 8.
- (2) G.H. 1/72 - January 24th, 1876 No.155 - Carnarvon to Barkly.
- (3) Froude was allowed to openly criticise the Governor as well as the ministers. Barkly's replies to Froude's remarks were not published as he agreed to place public interests before his own reputation. G.H. 27/1 - December 6th, 1876 - Barkly to Carnarvon.
- (4) G.H. 1/71 - July 15th, 1875 No.64 - Carnarvon to Barkly.

to the House and thus it was known about elsewhere.<sup>(1)</sup> He was severely reprimanded for misinterpreting his position as High Commissioner.

"I am afraid, however, that it may not at all times have been sufficiently remembered that your duties as High Commissioner cannot be subordinated to the local policy of your advisers, and that even in matters affecting the Cape alone you have obligations to Her Majesty's Government which no colonial minister can expect you to overlook." <sup>(2)</sup>

During the Special Session a possible defeat of the ministry was averted by Carnarvon's decision to hold a conference in London.<sup>(3)</sup> A Resolution of the Assembly November 23rd, 1875, pledged assistance in settling the matter of Griqualand West,<sup>(4)</sup> and Molteno sailed for England in July 1876. Carnarvon expressed himself satisfied with the Resolution and took pains to emphasise the freedom of the Cape government to attend the London conference or not.<sup>(2)</sup>

On his arrival in England, Molteno found that the dispute between Britain and the Orange Free State had been adjusted by the payment to the Orange Free State of £90,000 compensation, not by a decision as to which party had right on its side. Carnarvon refused to cede any territory though prepared to adjust the boundary, and stated "each party must be left free to continue to believe that its contention (now happily disposed of) has been well founded."<sup>(5)</sup> As the transaction followed the decision of Sir Andries Stockenström in March, 1876, which had substantiated the claims of the Orange Free State the British government could not have retained the territory and made a settlement on any other grounds.<sup>(6)</sup> The excuse for settling the matter before Molteno's arrival was the refusal of President Brand to submit the matter to a conference of delegates from British colonies and the fact that the Cape could not have assisted at a financial transaction.<sup>(7)</sup>

Molteno had reluctantly to consent to annex Griqualand West or abandon the project of annexing Tembuland

- (1) G.H. 23/33 - March 27th, 1876 No.33 - Barkly to Carnarvon.
- (2) G.H. 1/72 - January 24th, 1876 No.155 - Carnarvon to Barkly.
- (3) G.H. 1/71 - November 15th, 1875 No.120 - Carnarvon to Barkly.
- (4) G.H. 23/33 - December 4th, 1875 No.166 - Barkly to Carnarvon.
- (5) G.H. 1/72 - August 5th, 1876 No.59 - Carnarvon to Barkly.
- (6) vide Chapter IV. Page 52.
- (7) G.39. 1877. Page 3.



and Walvis Bay.<sup>(1)</sup> Though refusing to enter into a discussion on federation he said that he would bring up the matter on his return to the Cape, stating for the meantime that he favoured a plan of annexing minor states to the Cape Colony and allowing for local administration in some matters.<sup>(2)</sup> Nor would he discuss the matter of the gun trade, though Barkly hoped he would correct the misapprehension imbibed from Froude that wages were paid in guns and that they were imported by hundreds of thousands.<sup>(3)</sup>

It is plain from Carnarvon's opening speech at the London Conference that Froude had accurately expressed his views as to Imperial interests in South Africa.<sup>(4)</sup> Disraeli had attacked the Liberal attitude to colonies in 1872.<sup>(5)</sup> by 1876 the new spirit was manifest in the statement "England .... accepts freely her position as the paramount Power in South Africa, with its duties and responsibilities." An ample measure of self-government might be granted to a federated state but control would be retained of certain particular matters.<sup>(4)</sup>

At the end of 1876 it was apparent that the Cape was still dependent on British troops for defence,<sup>(6)</sup> and Carnarvon drew up the first draft of the Permissive Federation Bill.<sup>(7)</sup> The Transvaal was against Sekhukhuni had made the subject of federation more pressing.

In April 1877 the Transvaal was annexed by Shepstone who had been sent with a Special Commission for the purpose.<sup>(8)</sup> Sir Bartle Frere arrived at the Cape to take over from Barkly whose term of office had expired, with the particular object of federation in view.<sup>(9)</sup>

The Draft Bill was designed as an enabling measure, to give a framework for federation, decisions on many matters could be made later by Orders in Council. Carnarvon

- (1) G.39. 1877 - September 22nd, 1876. Page 13.
- (2) G.H. 1/72 - October 2nd, 1876 - Carnarvon to Barkly.
- (3) Barkly Papers - September 16th, 1876 - Barkly to Molteno.
- (4) Imperial Blue Book. C.1631 - Carnarvon's Opening Speech at London Conference - 1876. Page 66.
- (5) Williamson - "A Short History of British Expansion" - Page 184.
- (6) vide Chapter 111. Page 38.
- (7) G.H. 1/73 - December 14th, 1876 No.299 - Carnarvon to Barkly.
- (8) Walker - Page 370.
- (9) de Kiewiet - "Imperial Factor in South Africa" - Page 127.

explained that it allowed for the incorporation of the legislature of Griqualand West with that of the Cape, and also for the desire of Griqualand West not to be subordinated to the Cape Colony as then constituted. Under the Bill it would be possible for the Orange Free State to federate later without losing its individuality as a state or abandoning its local institutions and customs.<sup>(1)</sup>

The difficult matter of the native franchise had been considered. It was acknowledged that uncivilised natives could not be given electoral equality with the white population, but considered that natives qualified by education and successful industry should not be excluded from all voice in the administration of affairs. It was suggested that some members of the Legislative Council might be chosen for their knowledge of native feelings and requirements, that in some cases natives might vote in provincial council elections, but that for the present they should not be given direct representation in the Assembly.<sup>(1)</sup>

Ministers feared lest they should not be allowed to incorporate Griqualand West and observed that this idea seemed to have been abandoned.<sup>(2)</sup> They noticed that costly machinery appeared to be envisaged for the government of the two areas and the abolition of the existing constitution of the colony. Barkly commented that though he had thought of Griqualand West as a province of a federal state, if the Secretary of State wished for an early settlement of the matter the Bill might be modified to allow for the alternative of annexation to the Cape.<sup>(3)</sup>

[ A significant change had taken place in the attitude of the Ministry to the matter of Griqualand West. From refusal to annex in 1872 they had passed to reluctance expressed by Molteno in 1876 and finally in 1877 to insistence that they should be allowed to annex the colony. The reason for the change seems to have been fear lest Carnarvon should be successful in bringing about a federation including Griqualand West perhaps without the Cape, and the plan for ultimate union by enlargement of the Cape legislature, come to naught.

(1) G.H. 1/73 - December 14th, 1876 No.299 - Carnarvon to Barkly.

(2) G.H. 15/1 - January 22nd, 1877 - Minute of Ministers.

(3) G.H. 23/33 - January 22nd, 1877 - Barkly to Carnarvon.

In reply to the ministerial minute Carnarvon expressed himself satisfied to effect this object (i.e. the annexation of Griqualand West) in the way they propose" and called upon Barkly as a man of experience in such matters to calm the fears that federation would lead to the end of responsible government.<sup>(1)</sup> But ministers continued to deplore what seemed a plan to change the constitution of the Cape. They suggested the simpler method of union by preserving the Cape parliament and adding to it members elected by new states or colonies, and were intent on annexing Griqualand West.<sup>(2)</sup>

Barkly told Molteno that nothing would be gained by taking up such an attitude since it was diametrically opposed to the plan laid down in the Bill and Carnarvon obviously could not adopt it or regard the ministers as allies if they persisted in this view.<sup>(3)</sup> The Secretary of State thought federation a preferable form of union because of the diversities of custom, language and origin among the various South African communities. In such a system many local details might be discussed and administered locally.<sup>(4)</sup>

Ministers criticised the franchise provisions of the Bill, though agreeing with Carnarvon that the matter was a very difficult one. They thought if representation was according to white population, this would be a hardship to Natal and suggested provisions as in the old American constitution. A change in the Cape franchise would stir up feelings of race which the government had sought to allay. They pointed out that the franchise was bestowed irrespective of race or colour on persons with the necessary qualifications in the Cape, the practice had not been found inconvenient, and had worked well on the whole. They recognised that the franchise could not be at once extended in states where it was limited and referred to the problem of the future government of natives living in the Transkei who had not been granted the franchise.<sup>(2)</sup> The difficulty was the same in 1877 as in 1872 when it had been remarked upon by Saul Solomon.<sup>(5)</sup>

- (1) G.H. 1/74 - February 28th, 1877 No.340 - Carnarvon to Barkly.
- (2) G.H. 15/1 - March 15th, 1877 - Minute of Ministers.
- (3) Barkly Papers - March 17th, 1877 - Barkly to Molteno.
- (4) G.H. 1/74 - August 16th, 1877 No.412 - Carnarvon to Frere.
- (5) vide Chapter 111. Page 31.

Asked for his comments on the revised Draft Bill, Barkly added that he was not in favour of allowing the population to be reckoned in the fashion of the old American constitution as it would be difficult to apply in the Transvaal where the native population was not known and in Griqualand West where it was fluctuating. He suggested that civilisation and commercial activity should be considered besides mere numbers and the revenue of a state might be an indication of this "if these were multiplied by the number of the white inhabitants, the respective profits would afford a fair standard of comparison."<sup>(1)</sup>

Following the interchange of opinions, a clause was inserted in the Bill allowing for the future representation of native, and Carnarvon wrote "there is no subject within the whole range of South African policy which is more important than this."<sup>(2)</sup>

When Frere arrived in South Africa it was soon apparent that the ministry had decided on their opinion about the revised Draft Bill and were determined to stand by it. They remained convinced that their ideas on union were preferable to Carnarvon's and held tenaciously to their plan to incorporate Griqualand West.<sup>(3)</sup> It seems that Carnarvon was trying to combine the two schemes which Froude had thought were incompatible, to create a responsible federal government, for South Africa, and yet retain control of native policy since this would be reserved for Imperial assent, and control of Imperial forces.<sup>(4)</sup> In desiring to enhance the Cape legislature to the parliament of South Africa the colonists aimed to keep control of policy in their own hands.

The Governor's desire to influence the decision of the cabinet was clear, but was frustrated by a definite statement of the usual procedure in cabinet decisions - the Governor could not be present at discussions, nor could his remarks on a draft be grounds for altering a minute. Molteno's stand was the same which he had taken when Barkly sent a memorandum on Langalibalele to the ministers.<sup>(6)</sup> He was later to object to Frere's use of the Executive Council as

(1) G.H. 23/33 - February 15th, 1877 No.29 - Barkly to Carnarvon.

(2) G.H. 1/74 - August 16th, 1877 No.412 - Carnarvon to Frere.

(3) G.H. 15/1 - May 14th, 1877 - Minute of Ministers.

(4) Imperial Blue Book - C.1732. Pages 45 and 51.

(5) G.H. 23/34 - April 17th, 1877 No.4 - Frere to Carnarvon.

(6) vide Chapter V. Page 59.

contrary to cabinet practice.<sup>(1)</sup>

Mention was made of federation in the Opening Speech, but Frere was unable to have a statement included that the Permissive Act would be considered with a view to a possible application to a union of the colony with one or more of its neighbours.<sup>(2)</sup> In his efforts to draw the Cape into a scheme for federation he indicated that refusal to take part in a conference might lead to a division of the colony, which he knew ministers feared, and the delay in approval of Cape bills for the annexation of Griqualand West and the Transkeian territories which he knew they considered imperative. If there was no-one to expound the Cape views at a conference and federation was approved rather than annexation, encouragement would be given to people in favour of federation who wished to separate the Eastern from the Western province. It had been stated that annexation or federation would not occur unless states or colonies concerned were willing, even a unanimous vote in the Cape would not prove consent by the other party to the annexation.<sup>(2)</sup>

Finally, support was obtained for the Permissive Bill by the inclusion of a provision for the annexation of Griqualand West to the colony,<sup>(3)</sup> and a bill for annexation drawn up. The matter was successfully handled in Griqualand West by Major Owen Lanyon and the Bill passed in June 1877. It was left to Frere<sup>(4)</sup> to decide whether to hold a conference on federation, the Orange Free State having stated its desire to remain independent,<sup>(5)</sup> but the war intervened before plans were made.

Thus the Cape was successful from 1875 - 1877 in resisting efforts to bring about a federation in South Africa. x The liberality of the Cape native policy was commended by Carnarvon,<sup>(6)</sup> but he was prepared for a modification in the interests of unity. The Cape ministers tenaciously maintained that a change would be a hardship to the native population. Though they may have been entirely sincere in this belief, it must be recognised that colonists had benefited largely from the Cape system of native management,<sup>(7)</sup> and stood to gain if the Cape remained isolated.

(1) vide Chapter VII.

(2) G.H. 27/2 - May 29th, 1877 - Frere to Carnarvon.

(3) "Cape Argus" - June 14th, 1877.

(4) G.H. 1/74 - August 16th, 1877 No.412 - Carnarvon to Frere.

(5) "Cape Argus" - July 12th, 1877.

(6) Imperial Blue Book. C.1631. Page 65.

(7) vide Chapters 1 and 11.

CHAPTER VII.

THE DISMISSAL OF THE MINISTRY - FEBRUARY 1878.

The outbreak of war in September, 1877, put the Cape defences to the test, which had not happened for twenty years, and drew attention to the weakness of frontier administration. All was confusion. There was no representative of the government to co-ordinate the activities of various departments.<sup>(1)</sup> Agitated farmers feared lest the Ngqika and kindred clans within the colony should rise against the government.<sup>(2)</sup> Sir Bartle Frere was extremely critical of provisions for both defence<sup>(3)</sup> and government<sup>(4)</sup> and pressing and energetic in making suggestions for permanently improving matters.<sup>(5 & 6)</sup> They included reorganisation of the F.A.M., the organisation of district police and legislation to make disarmament possible. Merriman (Minister of Crown Lands and Public Works) was obliged to agree that serious faults had been committed, though protesting that the Governor had framed a bill of indictment against past and present governments, unwarrantable in the circumstances of the country.<sup>(7)</sup>

There was no serious disagreement from September to December 4th, i.e. during the Galekaland campaign, between the Governor and the Ministry as to the conduct of the war and the way in which Imperial and Colonial troops should be used. Sir A. Cunynghame took over command of both Imperial and Colonial troops. Colonel Griffith, who succeeded Commandant Bowker in command of the F.A.M., directed operations East of the Kei, while

- (1) G.H. 23/34 - September, 28th, 1877 No.79 - Frere to Carnarvon.
- (2) G.H. 23/34 - October 2nd, 1877 No.82 - Frere to Carnarvon.
- (3) vide Chapter III. Page 40.
- (4) vide Chapter II. Page 26.
- (5) A.2. 1878 - December 8th, 1877 - Minute of Frere to Ministers. Page 4.
- (6) Ibid - December 26th, 1877 - Minute of Frere to Ministers. Page 4 - 6.
- (7) Ibid - December 29th, 1877 - Remark of Merriman on Minute of Governor, December 26th, 1877. Page 8.

the General directed the forces in the Colony.<sup>(1)</sup> It was, however, made clear that Colonel Griffith's actions should not be fettered in any way by the position of the General.<sup>(2)</sup>

The Governor who had happened to be at King Williamstown in September with Merriman and Brownlee, remained to direct operations with them. He had high praise for Merriman's energy and ability in carrying out the functions of a Minister of War and Police.<sup>(3)</sup> Daily meetings took place at which the Governor, Ministers and the General decided what was to be done and issued orders though the appropriate civil or military channels.<sup>(4)</sup> Such meetings saved delay and ensured unity of action.<sup>(5)</sup> The plan was followed until the arrival of Molteno at King Williamstown on January 9th, 1878.

It is well to consider relations between the Governor and Prime Minister from November, 1877, when discussing the crisis of January-February 1878, as only then is it clear how repeated annoyances and delays, partly caused by distance, confirmed the opinion of both Frere and Molteno that the other was obstructing him in the course of his duty and made each more determined that his view of how the emergency should be met, should prevail. Difficulties arose over matters which had to be referred to the Prime Minister in Capetown.

Fears lest the war should spread into the colony were expressed early in October 1877<sup>(6)</sup> and did not abate even when Galekaland was reported to be nearly cleared by the end of the month.<sup>(7)</sup> By mid November it was believed by Frere and the ministers with him that the colony was on

(1) A.7. 1878 - October 3rd, 1877 - Notice.

(2) P.A. Molteno - Volume 11 - Page 233.

(3) G.H. 23/34 - December 4th, 1877 No.122 - Frere to Carnarvon.

(4) Molteno Papers - October 1st, 1877 - Frere to Molteno - Page 59.

(5) G.H. 27/2 - January 30th, 1878 - Frere to Carnarvon.

(6) G.H. 23/34 No.82 - October 2nd, 1877 - Frere to Carnarvon.

(7) Molteno Papers - Telegram (undated) - Frere to Molteno - Page 64.



the verge of civil war with the Ngqika.<sup>(1)</sup> Frere considered that the prompt settlement of Galekaland would help to calm the frontier but realised that the removal thither of Maphasa (a Gcaleka chief who, with his followers, had fled to the colony on the outbreak of war) would be a delicate operation.<sup>(2)</sup> He hoped to introduce 332 European families (German and Scotch) to hold small farms in the territory near police posts.<sup>(3)</sup> A fortnight's delay was caused as Molteno asked for further information about the European settler plan and cautiously considered the question whether the annexation of Galekaland was contemplated and how the settlers would be governed.<sup>(3)</sup> He did not think the movement of Maphasa's people would cause difficulty,<sup>(3)</sup> and suggested that the Governor should return to Capetown for consultation with the ministers there.<sup>(4)</sup>

Molteno was anxious lest arrangements should be decided upon by the Governor and the ministers become little more than executive officers which would mean the abandonment of responsible government.<sup>(5)</sup> He was inclined to disapprove of the Governor's plan to disarm Maphasa's people and thought there was danger of a high-handed and unnecessarily harsh policy being adopted towards the natives, "which we have not the power of carrying out."<sup>(6)</sup> Brownlee too, objected to the plan to disarm Maphasa who would then be defenceless against other Gcalekas if removed to Galekaland but agreed to carry out this course if it were decided upon, to the best of his ability.<sup>(7)</sup>

Frere was impatient at the delay which was likely to increase the risk of panic among Europeans and Ngqika

- (1) A.2. 1878 - December 8th, 1877 - Minute of Frere to Ministers. Page 3.
- (2) Molteno Papers - November 25th, 1877 - Letter from Frere to Molteno, marked Private. Page 91 - 107.
- (3) Molteno Papers - November 10th, 1877 - Telegraphic conversation between Molteno and Frere. Page 74.
- (4) Molteno Papers - Minute of Ministers to Frere - November 7th, 1877. Page 70.
- (5) P.A. Molteno - Vol.11 - Molteno to Merriman. Page 245.
- (6) Ibid - Vol.11 - Telegram, November 21st, 1877 - Molteno to Merriman. Page 256.
- (7) Imperial Blue Book. C.2220. Page 92.

and unsettle Maphasa and refused to leave the frontier in the circumstances.<sup>(1)</sup> His decision was justified by the panic which occurred in connection with the removal of Maphasa and Mackinnon (who turned out not to be a Gcaleka) which was badly handled by Brownlee, who was in poor health at the time.<sup>(2)</sup>

The Gcalekas returned from beyond the Bashee River in December after the war was believed over and Colonel Griffith had disbanded Native Levies<sup>(3)</sup> serving with him, and given permission to Volunteers and Burghers to return home.<sup>(4)</sup> Imperial troops were moved into Galekaland to assist the F.A.M.<sup>(5)</sup> Frere remained in King Williamstown as there was no representative of the Executive government present to co-ordinate information from various centres and make decisions about the disposal of police or military forces.<sup>(6)</sup> He considered that Molteno misunderstood the gravity of the situation and urged upon him the appointment of an executive officer, suggesting Colonel Griffith,

"you must have someone here to whom all can apply for advice and assistance and who would have power to issue orders to all where the intervention of police force or application for military aid was necessary." <sup>(7)</sup>

Molteno suggested travelling to King Williamstown on December 7th. By December 31st Frere was urging this course which had been delayed by a railway inquiry.<sup>(8)</sup>

Between these dates, in addition to the danger in Galekaland, the danger within the colony increased. Khiva, a Gcaleka chief whom ministers had recommended should be attacked before he crossed the Kei,<sup>(9)</sup> made his way into

- (1) Molteno Papers - November 10th, 1877 - Telegraphic conversation between Molteno and Frere. Page 74.
- (2) Ibid - November 25th, 1877 - Letter from Frere to Molteno marked Private. Page 91 - 107.
- (3) G.H. 23/34 - December 5th, 1877 No.126 - Frere to Carnarvon.
- (4) G.H. 1/75 - December 12th, 1877 - Cunynghame to War Office.
- (5) G.H. 23/34 - December 12th, 1877 - Frere to Carnarvon.
- (6) Molteno Papers - December 18th, 1877 - Minute of Frere to Ministers - Page 140 - 143.
- (7) Ibid - December 19th, 1877 - Telegram - Frere to Molteno.
- (8) A.4. 1878 - December 31st, 1877 - Telegraphic Despatch - Frere to Molteno - Page 28.
- (9) A.2. 1878 - December 29th, 1877 - Remark of Merriman on Minute of Governor, December 26th, 1877. Page 8.

the Ngqika location, December 26th<sup>(1)</sup> where with great speeches he roused his kinsmen to join the Goalekas in acts of violence.<sup>(2)</sup> Martial law was proclaimed on December 31st in two districts of the colony.<sup>(2)</sup>

Ministers determined on the outbreak of civil war, that the Governor should not act with regard to the Ngqika affair contrary to their advice.<sup>(3)</sup> It is clear that Molteno and ministers in Capetown felt they were not fully informed of matters on the frontier, and that the government was passed over and ignored.<sup>(4)</sup> On December 25th Frere telegraphed the Prime Minister asking that two of the military officers should be gazetted as Justices of the Peace or magistrates so that they might deal promptly with cases arising within their commands.<sup>(5)</sup> Molteno did not think such appointments would be of any value, and delayed his consent for three days.<sup>(6)</sup> Frere replied that he would not have three times asked for the appointments if they had no use.<sup>(7)</sup> The delay may be ascribed to the fact that the Governor had not consulted Molteno before enrolling two corps of Volunteers under Imperial officers with detached rank.<sup>(8)</sup>

With the proclamation of martial law came new difficulties. The Governor had wished to proclaim various districts and confer power on troops supporting the police to disarm the inhabitants, covering any necessary use of force in excess of the law, by a subsequent act of indemnity.<sup>(9)</sup> His plan would have left in operation the ordinary courts of the regions for ordinary offences.<sup>(7)</sup> However, martial law was proclaimed as Molteno disapproved of Frere's plan, but it was decided that magistrates and special commissioners were to accompany each column or body of troops to try cases against the public order in the proclaimed districts "so as to obviate as far as possible the necessity for the exercise of the arbitrary powers of a court martial by unqualified persons."<sup>(9)</sup> By this plan Frere hoped to prevent the use of drum-head court-martial which he felt would often amount to lynch law, and bring disgrace upon the colony.<sup>(10)</sup>

- (1) Memorandum on Sandile by Brownlee. Enclosures - June - December 1878. G.H. 28/100.
- (2) G.H. 23/34 - January 1st, 1878 No.1. Frere to Carnarvon.
- (3) P.A. Molteno. Vol.11 - December 30th, 1877 - Memorandum of Attorney-General. Page 287.
- (4) Ibid - December 17th, 1877 - Telegram, Molteno to Merriman. Page 274.
- (5) Molteno Papers - December 25th, 1877 - Telegram, Frere to Molteno.
- (6) A.4. 1878 - Telegram, December 28th, Molteno to Frere. p.27.
- (7) Molteno Papers. Telegram December 29th, 1877. Frere to Molteno.
- (8) P.A. Molteno, Volume 11. Page 271.
- (9) G.H. 23/34 - January 1st 1878 No.1. Frere to Carnarvon.
- (10) Molteno Papers - January 7th, 1878 - Telegram, Frere to Molteno.

(Molteno disagreed with the Governor's views and with the Attorney-General advocated severity towards rebels -

"We consider that all rebels taken with arms in hands should be tried by drum-head court-martial and shot without delay; that persons who have been engaged in the rebellion but who lay down their arms should be summarily tried by the commissioners and sentenced to death, such sentence not to be carried into effect until approved by the Governor." (1)

The Governor refused to have anything to do with such trials, asked if 1,000 rebels were captured instead of 1,000 cattle the day before they should be shot without mercy or trial, and inquired how a Commandant in the field could distinguish between Gaikas and Gcalekas born in the colony, thus rebels and those born beyond the Kei, thus enemies? (2) The Attorney-General considered that colonial Gaikas and Tslambis should be regarded as rebels who had turned against a government which had treated them with the utmost consideration. He expressed as great a horror of bloodshed as the Governor but thought a few military executions would stop the rebellion and save many lives and great expense. (3) During the debate, after the ministry had been dismissed, Frere became aware that all the members of the cabinet had not been in agreement on the matter of martial law, and complained that the Attorney-General's views had not been fully explained to him. (4) It seems that the Attorney-General had not wished to proclaim martial law.

The matter of reinforcements is an important one when considering relations between the colonial and Imperial authorities. By the end of September 1877, Sir A. Cunynghame, writing of the deficiencies of his force, remarked that it would not be prudent to call troops from Natal or the Transvaal leaving it to Frere to decide whether to call troops from Britain. (5) On October 10th he requested that reliefs for 1/13th and 1/24th Regiments should be sent at once. (6) The day before Frere had informed the Secretary of State that if the war spread into the Colony an addition to the regular forces would be required to restore order quickly and prevent

(1) A.4. 1878 - January 4th, 1878 - Molteno to Merriman. page 19.

(2) A.4. 1878 - January 16th, 1878 - Minute of Frere to Attorney-General. Page 20.

(3) A.4. 1878 - Memorandum of Attorney-General - January 17th, 1878, on Minute of Frere. Page 22.

(4) G.H. 23/34 - May 29th, 1878 No.135 - Frere to Hicks Beach.

(5) A.6. 1878 - September 28th, 1877 - Cunynghame to Frere. Page 51.

(6) A.6. 1878 - October 10th, Cunynghame to War Office. Page 58.

much loss of life, and suggested that the reliefs should be sent, so that they would be in the colony for a while, together with the regiments to be relieved.<sup>(1)</sup> By the end of October Brownlee stated that the colony would require the aid of two or three Imperial Regiments before the war would be concluded, thus agreeing with Frere and the General.<sup>(2)</sup> In November, writing of the necessity to enlist Volunteers, he mentions the "expected arrival of troops from England," which suggests that he at least knew of the plan and approved of it.<sup>(3)</sup> Moltenc knew of the suggestion about the reliefs too. He suggested that the General seemed to wish to gather a large force before striking a blow, and thought such a plan too expensive. He wanted a quick sharp defeat of the enemy without delay, before volunteers became disorderly and they and their horses tired out.<sup>(4)</sup>

News from Natal caused Frere to telegraph to England early in December the necessity for complying with his request for troops<sup>(5)</sup> and he mentioned the need for cavalry.<sup>(6)</sup> Moltenc recognising the necessity for increased forces, wrote to Frere that the Attorney-General had suggested raising them under the Burgher Force Act, but that he thought this would be too slow a procedure. He advised that Native Levies should be enrolled from among colonial tribes, these being subjects should undertake their share of the defence of the Colony.<sup>(7)</sup> He suggested that Mfengu should be used to suppress a rising among the colonial Ngqika if it occurred. Frere, however, thought it would not be wise to use Mfengu Levies to preserve peace in the colony, except under very carefully chosen officers and he thought few men could be found who did not have decided sympathy with one tribe or another, and who had a reputation among natives for impartiality.<sup>(8)</sup>

Carnarvon upheld Frere's opinion on Native Levies most emphatically. Setting one savage tribe to fall upon

- (1) G.H. 23/34 - October 9th, 1877 No.84 - Frere to Carnarvon.
- (2) A.24. 1878 - October 29th, 1877 - Memorandum of Brownlee - Page 2.
- (3) Ibid - November 25th, 1877 - Memorandum of Brownlee. p.5.
- (4) P.A. Moltenc - Vol.11 - Telegram, October 5th, 1877 - Moltenc to Merriman. Page 234.
- (5) A.7. 1878 - Telegram, December 4th, 1877 - Frere to Carnarvon. Page 107.
- (6) G.H. 23/34 - December 5th, 1877 No.124 - Frere to Carnarvon.
- (7) Moltenc Papers - December 4th, 1877 - Memorandum of Moltenc enclosed in letter to Frere. Page 118.
- (8) A.2. 1878 - December 26th, 1877 - Minute of Frere to Ministers. Page 5.

another he thought most undesirable even for the sake of economy and agreed with the opinion of Brownlee that native allies would tend to look upon themselves as indispensable and enemies to look upon the government which needed such allies, with contempt.<sup>(1)</sup>

Frere pressed the need for several hundred mounted riflemen, on Molteno, should civil war occur.<sup>(2)</sup> and reported that Griffith could not move without reinforcements when the Gcalekas returned over the Bashee.<sup>(3)</sup> The remaining men of the 24th and 25th Regiments were called from Capetown.<sup>(3)</sup> A plan was formed to land 250 troops and 9 officers at Mazeppa Bay<sup>(4)</sup> but they were eventually landed at East London. Frere disagreed with the opinion of Molteno and the General as he could not find definite evidence that a landing had ever been effected at Mazeppa Bay and thought the risk of placing the men at this position was too great.<sup>(5)</sup>

The preparations on the frontier were described as "uncalled for and entirely beyond the exigencies of the case as things at present stand," on December 20th by Molteno, who thought neither the Imperial government nor the colony should be burdened by unnecessary expenses,<sup>(6)</sup> but by December 26th Frere was again telegraphing his need for men.<sup>(7)</sup> The reply was that recourse should be had to the Burgher Act and Native Levies as before suggested. Molteno thought the force available had been under-estimated.<sup>(8)</sup>

However, Volunteers asked to be relieved by January 10th and they and Burghers "melted away" as they felt inclined.<sup>(9)</sup> The Galekaland clearance had to be begun over again and the Governor told Molteno how little reliance could be placed upon the F.A.M. who had not acquitted themselves well in recent encounters with the enemy in December. "Your opinion of these men is founded on their condition in Sir Walter Currie's time - but they are now so different, mostly untrained lads, that years, or at least many months, must elapse before they

- (1) G.H. 4/2 - January 24th, 1878 - Carnarvon to Frere.
- (2) A.2. 1878 - December 8th, 1877 - Minute of Frere to Ministers. Page 4.
- (3) G.H. 23/34 - December 12th, 1877 - Frere to Carnarvon.
- (4) Molteno Papers - December 7th, 1877 - Telegram, Molteno to Frere. Page 123.
- (5) G.H. 23/34 - December 18th, 1877 No.131 - Frere to Carnarvon.
- (6) A.21 1878 - December 20th, 1877 - Molteno to Frere. Page 6.
- (7) A.4. 1878 - Telegram, December 26th, 1877 - Frere to Molteno. Page 26.
- (8) A.4. 1878 - December 28th, 1877 - Molteno to Frere. Page 27.
- (9) A.4. 1878 - December 31st, 1877 - Frere to Molteno. Page 28.



can be relied on for field service."<sup>(1)</sup> Requirements were estimated at 800 Burgher cavalry and as many European foot soldiers, if the rebellion was to be ended speedily and life and expense spared. Frere asked Molteno to support a request for Imperial troops.<sup>(2)</sup>

(Molteno refused the request as he felt that infantry men could be raised in the colony in less time than it would take troops to come from England, and that they would be effective for the work to be done in the absence of cavalry, which could not be raised because of the drought.<sup>(3)</sup> On December 31st Frere told the Secretary of State that it seemed the colony was unable to meet the requirements of the General and that unless troops were sent the campaign would be prolonged and more suffering caused.<sup>(4)</sup> On January 9th despite Molteno's refusal to support his request, he asked for the reliefs of the two regiments to be sent at once and that the corps in the country might be retained.<sup>(5)</sup> In another despatch of the same day he described the threatening aspect of affairs on the Zulu border which made him anxious to see the power of the government decisively established on the Cape frontier. There was much evidence by this time of connection between distant and apparently unconnected outbreaks, and Frere thought the best way of discouraging combinations among the tribes was a speedy reassertion of the power of the government. At that, he hoped to be able to send troops to Natal.<sup>(6)</sup>

(Molteno arrived in King Williamstown on January 9th, and within two days Frere was inquiring about military operations within the colony which the ministry wished to

(1) Molteno Papers - December 31st, 1877 - Frere to Molteno, Private letter.

(2) A.4. 1878 - December 31st, 1877 - Frere to Molteno.

(3) A.4. 1878 - Telegraphic Despatch, January 2nd, 1878 - Molteno to Frere. Page 28.

(4) G.H. 23/34 - December 31st, 1877 No.137 - Frere to Carnarvon.

(5) G.H. 27/2 - January 9th, 1878 - Frere to Carnarvon.

(6) A.4. 1878 - January 9th, 1878 - Frere to Carnarvon. Page 30  
The open mention of Natal in this despatch disposes of the contention that Frere had a secret plan to crush the Zulu and asked for reinforcements on this account.

(P.A. Molteno. Volume 11, Page 295)



conduct without co-operation or control from the military officers,<sup>(1)</sup> and declined any responsibility for them.<sup>(2)</sup>

A series of conversations began on January 10th between Frere and Molteno, from which the Governor understood there was dissatisfaction that the control of operations had passed to the Imperial officers, who were felt to be less efficient for the work in hand than colonists and likely to wage war in an expensive fashion. This was alleged to be the reason why Volunteers had come forward so slowly to answer the call for reinforcements. It was suggested that the General and Imperial troops should be confined to the Transkei, and the rebellion in the colony put down by colonial forces led by Colonel Griffith, who would be under the direct control of the ministry. Reinforcements from Britain were not needed for any colonial purpose and Molteno suggested that the Governor should return to the Capital.<sup>(3)</sup>

Relations became perceptibly strained when Molteno objected to a note from Frere who asked him "to be so kind as to run your eye over the note I made and let me know whether it accurately represents the conclusions you expressed to me." The objection was that the note was contrary to the usual practice of formal minutes following conversations between Governor and Prime Minister, and a departure which might lessen the freedom of exchange of opinion.<sup>(4)</sup> The Governor, though wishing to use the present note as the basis of a report to the Secretary of State, agreed not to follow this practice if Molteno disliked it.<sup>(5)</sup> But he was obviously annoyed by the Prime Minister's remark that from a "cursory glance" the note did not seem to be wholly accurate.<sup>(6)</sup>

- (1) A.2. 1878 - January 11th, 1878 - Frere to Ministers. p.9.
- (2) A.2. 1878 - January 12th, 1878 - Frere to Ministers. p.11.
- (3) A.2. 1878 - January 11th, 1878 - Note to Molteno from Frere. Page 12.

- (4) A.2. 1878 - January 12th, 1878 - Molteno to Frere. p.12. Though Molteno asserted during the debate on the dismissal that the use of such note was unprecedented, (P.A. Molteno, Volume 11, Page 347) when reporting conversations on the subject of federation, Frere had sent a similar note to Molteno using the words, "will you kindly run your eye over what I propose to say, and tell me whether I have accurately summarised what we have said or written."

(Molteno Papers, May 28th, 1877 - Frere to Molteno. p.20)

- (5) A.2. 1878 - January 14th, 1878 - Frere to Molteno. page 13.
- (6) Ibid - January 14th, 1878 - Molteno to Frere. page 13.

The military officers disagreed with the Ministerial decision that no reinforcements from Britain were necessary, and did not wish to evacuate Imperial troops from the colony till the lines of communication with the Transkei were held by adequate colonial forces.<sup>(1)</sup> They reported on difficulties over commissariat arrangements. (In December Frere had proposed a concurrent daily audit for the sake of economy, but Molteno had objected.<sup>(2)</sup> Cunynghame thought the civil arrangements for the supply of colonial troops had caused much extra cost to the colony. In January it was objected that competition in the markets sent up prices,<sup>(3)</sup> and that the Colonial commissariat kept breaking down so that the Imperial departments had to supply deficiencies.<sup>(4)</sup> The system of dual command was also objected to.<sup>(5)</sup>

On January 17th Colonel Griffith was appointed Commandant General of all colonial forces<sup>(6)</sup> and it was proposed to place under his control all colonial forces West of the Kei<sup>(7)</sup> who would thus be under the sole direction and control of the colonial government.<sup>(8)</sup> It was held that the Governor had no special powers over Colonial forces as Commander-in-Chief, but could only act on the advice of the ministry. (Frere objected on military grounds to the arrangements for two independent military commands.<sup>(9)</sup> He also considered the ministers to be acting unconstitutionally in making them.

He considered that in accordance with the constitution, the Governor and Commander-in-Chief should be in command of all military forces,) thus a minister carrying

- (1) A.2. 1878 - January 14th, 1878 - Memorandum of Frere. Page 15.
- (2) Molteno Papers - Telegram, December 13th, 1877 - Frere to Molteno, Page 129.
- (3) A.16. 1878 - January 16th, 1878 - Strickland to Frere. Page 31.
- (4) Ibid - January 20th, 1878 - Strickland to Cunynghame - Page 30.
- (5) A.2. 1878 - January 11th, 1878 - Comment of Colonel Bellairs. Page 23.
- (6) A.21. 1878. Page 4.
- (7) A.2. 1878 - January 19th, 1878 - Memorandum of Molteno - Page 16.
- (8) Ibid - January 22nd, 1878 - Memorandum of Molteno. Page 17
- (9) Ibid - January 26th, 1878 - Memorandum of Frere. Page 20.

out the duties of Minister of War might not direct forces in the field, or assume personal command without reference to the Commander-in-Chief or the General Commanding in the field.<sup>(1)</sup> This is the basis of objections to Merriman's acts in conducting operations in the Ngqika location and North of it, leaving the Governor and military authorities "as it were in quarantine, cut off from anything like full and unrestrained communication."<sup>(2)</sup>

Griffith's position Frere considered illegal, since he was independent of any constituted military authority. The office was unknown to, and not sanctioned by parliament, and might never be sanctioned.<sup>(2)</sup> He suggested that Moltene consult the Attorney-General.<sup>(1)</sup> Moltene resisted the suggestion saying that the cabinet was collectively responsible for all it did and he was ready to take the responsibility.<sup>(2)</sup> On January 28th Frere asked for precise details of the relationship between Commandant Griffith and the Governor and Commander-in-Chief of Her Majesty's forces in peacetime and in wartime, and his duties.<sup>(3)</sup> Moltene suggested resigning but later asked leave to withdraw his suggestion, when Frere remarked that Moltene could hardly expect him to accept his advice if it was illegal.<sup>(2)</sup> It was presumed he would consult the Attorney-General. (Moltene read<sup>(4)</sup> a memorandum on the Governor's constitutional position repeating the view of the cabinet that he held no constitutional powers as Commander-in-Chief, his Commission as Governor included all powers which he possessed. Ministers did not consider it advisable to place colonial

- (1) A.2. 1878 - January 26th, 1878 - Memorandum of Frere. Page 20.
- (2) G.H. 23/34 - February 5th, 1878 22A - Frere to Carnarvon, written January 30th.
- (3) A.2. 1878 - January 28th, 1878 - Minute of Frere to Ministers. Page 18.
- (4) P.A. Moltene. Vol.11. Page 324.

forces under the military commander as they believed this would create discontent if attempted, and tend to paralyse their exertions and usefulness. The Governor was free to move or dispose Imperial troops but should inform the colonial government when doing so.<sup>(1)</sup>

In another Minute of January 28th, Frere referred to the fact that the rebellion seemed to be spreading among the Thembu in the colony, rather than subsiding, and that as large scale operations seemed to be in progress, the area where they were going should be placed under the Officer Commanding in these provinces.<sup>(2)</sup> He could get no further response from Molteno than that the situation was grave.<sup>(3)</sup>

Ministers then formally stated on January 31st, on receiving the despatch of December 27th from the Secretary of State, that this was the first formal notice that reinforcements had been called for, that they had received, and while appreciating the motives of the Secretary of State in sending them, stated that the colony was equal to the task of defeating Rhili and subduing the colonial rebellion without such assistance.<sup>(4)</sup>

This was the view of the ministry despite the General's opinion that reinforcements were necessary and the fact that the rebellion was spreading through the

- (1) Molteno Papers - Memorandum of Molteno on Memorandum of Frere, January 26th.
- (2) A.17. 1878 - January 28th, 1878 - Minute of Frere to Ministers. Page 33.
- (3) G.H. 23/34 - January 30th, 1878 No.20 - Frere to Carnarvon.
- (4) A.6. 1878 - January 31st, 1878 - Minute of Ministers. Frere considered that the matter of sending for reinforcements had been so frequently discussed and approved that the Ministers were morally consenting parties though they had not given written assent. (A.6. 1878 - February 15th, 1878 - Frere to Carnarvon.) However, he was not justified in taking Brownlee's approval as the consent of the cabinet and Molteno had refused to support his request.

whole of the Ngqika and Thembu locations.<sup>(1)</sup> Frere requested an early reply to the question whether Merriman or the Commander-in-Chief should be in control of forces raised in the colony and undertaking operations. Referring to Griffith's position, Frere said he had all along been in favour of giving to the Command General greatly enlarged powers as compared with Commandants of Police, or Burghers and Volunteers but that it had never occurred to him that it was proposed to vest Griffith with powers independent of the ordinary military authorities till Moltene had assured him that this was so.

An Executive Council meeting was summoned for the next day. Moltene refused to discuss the Governor's minute and protested that the summoning of the council without notice to the Prime Minister was unprecedented.<sup>(2)</sup> He had previously objected to the presence of the Governor and General Commanding at meetings of the Executive Council where policy was discussed as being contrary to cabinet procedure. Frere thought this course expedient in wartime.<sup>(3)</sup>

Thus it transpired that the ministry, refusing to resign, was dismissed on February 2nd,<sup>(6)</sup> after persisting in its desire to use colonial forces to put down the rebellion and not to place these under military control, and going so far as to state that if their arrangements were likely to embarrass the military, the Imperial troops should be withdrawn from Galekaland to their garrison positions. (Frere thought this would be lunacy).<sup>(4)</sup> They argued that a responsible ministry should conduct operations paid for by the colony and not an Imperial officer, over whom they had no control.<sup>(5)</sup>

- (1) A.2. 1878 - January 31st, 1878 - Minute of Frere to Ministers. Page 24.
- (2) A.2. 1878 - February 1st, 1878 - Minute of Ministers, Page 28.
- (3) G.H. 27/2 - January 30th, 1878 - Frere to Carnarvon.
- (4) A.2. 1878 - February 6th, 1878 - Minute of Frere. p.33.
- (5) A.2. 1878 - February 2nd, 1878 - Minute of Ministers, Page 30.
- (6) Walker asserts that Frere dismissed the ministers after the defeat of Rhili at the battle of Kentani, but this engagement took place on February 7th, 1878. Walker - Page 375. vide Chapter 11, page 26.



Their argument was a strong one constitutionally and was strengthened by the opinion of the Attorney-General that the office of Commandant General was a legal one.<sup>(1)</sup> Yet although the ministers had protested at infringements of their rights by the Governor, their stand was not inspired only by principle. Mention has been made several times of their desire to limit expense, which was an important reason for advocating the use of Native Levies and colonial troops. The state of the finances when the new ministers took over was such that the Governor asked the Secretary of State to be forbearing in the matter of payment of expenses by the colony, otherwise it would be impossible for the government to carry on the war and meet its liabilities.<sup>(2)</sup>

The Governor insisted that operations conducted by the military under the Commander-in-Chief were in fact under the control of the Cabinet who could advise the governor in all matters, which advice he was bound to take. But he questioned the right of the Prime Minister to assign duties to a colleague, i.e. Merriman, which the law assigned to the Governor and Commander-in-Chief.<sup>(3)</sup>

His actions were justified by the Secretary of State who thought the Prime Minister liable to abide by the constitution and thus not justified in creating an office unknown to the constitution (i.e. Commandant General) in opposition to the Governor, and giving its holder powers superior to the Governor in military matters.<sup>(4)</sup>

The stand of the ministers on their constitutional rights was circumvented by the statement that in the Cape responsible government was limited, due to the peculiar

(1) A.4. 1878 - Page 14.

(2) G.H. 23/34 - February 25th, 1878 No.44 - Frere to Hicks-Beach.

(3) A.2. 1878 - February 6th, 1878 - Minute of Frere. p.32.

(4) G.H. 1/75 - March 21st, 1878 No.27 - Hicks-Beach to Frere.

The War Office agreed with Frere that a divided military command of troops in the field was unsatisfactory.

G.H. 1/75 - March 26th, 1878 - Hicks-Beach to Frere.

condition of the colony and adjacent territories. In view of his position as High Commissioner, Frere was expected to

"do all such things as you lawfully can, to prevent the recurrence of any irruption into Her Majesty's possessions of the tribes inhabiting the adjacent territories, and to maintain those possessions in peace and safety."

Surprise was expressed that Molteno had not subordinated his opinions to Frere's, as the suppression of the outbreak

"concerns either directly or indirectly the interests of large numbers of Her Majesty's subjects in South Africa, living altogether beyond the jurisdiction of any single colonial administration." (1)

Frere had been aware of the danger of the Zulu power and the effect which reverses on the Cape frontier or long continued hostilities would have upon the safety of other colonies.<sup>(2)</sup> His opinion was shared by Carnarvon who feared lest a failure to check the outbreak on the Cape border would encourage Cetywayo in his dispute with the Transvaal. He directed that should the Zulu king attack, all available troops were to be sent to Natal "at whatever sacrifice" as a defeat of the Zulus would dishearten other tribes and thus make for the safety of the Transvaal and the Cape Colony.<sup>(3)</sup>

The colonial government was severely criticised for not undertaking its defence, which it was bound to do on the grant of responsible government, and the need for which had been pointed out by the General several years previously. Of 2,384 men in the field in December, 1877, 1,421, i.e. more than half, were Imperial troops, and War Office comments on colonial troops, were most unfavourable. It was pointed out that the Cape was not a new colony struggling against overwhelming odds, but one where the revenue was £1,500,000 per year and the population 250,000 whites. The enemy was a tribe of 60,000 people. The Cape had had ample warning and done nothing.<sup>(3)</sup>

(1) G.H. 1/75 - March 21st, 1878 No.27 - Hicks-Beach to Frere.

(2) A.4. 1878 - January 9th, 1878 - Frere to Carnarvon. page 30.

(3) G.H. 1/75 - January 30th, 1878 - Carnarvon to Frere.



Parliament acquiesced in the dismissal of the Ministry. By 37 votes to 22 the following motion was carried, -

"The House, having before it, papers connected with the late charge of the Ministry, does not see that the doctrine that the Governor controls the colonial forces under the advice of his ministry, has been called in question by the Governor, but on the contrary is strongly affirmed and the House is of the opinion that under all the circumstances of the case, the Removal from office of the late Ministry was unavoidable." (1)

It was known that the Imperial view of the High Commission weakened Molteno's argument about responsible government. (2)

During the debate on the dismissal, Molteno protested that the question at issue was the legality of the dismissal, which could only be defended if the ministry had acted unconstitutionally, and not the conduct of the war, on which parliament, not the Governor was bound to decide. (3)

But in reality it was the conduct of the war to which the Governor had objected, though this was not the constitutional reason for the dismissal. Thus the opinion that the refusal to accept Imperial reinforcements led to the dismissal, has some validity. (4) During the Galekaland campaign Frere had remarked the lack of force at his disposal to make a settlement of matters that would be permanent. (5) When calling for reinforcements when civil war had broken out he expressed fears lest the war should develop into one of the old type of frontier affairs and be ended simply by the exhaustion of both sides, which meant that once they had recovered, a similar struggle would begin again. (6) His repeated assertions that Imperial troops would prevent delay in restoring order and loss of life indicate his desire to end the war by a decisive display of force. A campaign with Imperial troops meant war in an orderly fashion. It must be remembered that the Galekaland campaign had exposed the weakness of the F.A.M. and the lack of discipline among Volunteers, serving only where and as long as they pleased. (7)

(1) G.H. 1/75 - June 18th, 1878 No.155 - Frere to Hicks-Beach.

(2) Theal - Vol.1 - Page 112.

(3) P.A. Molteno, Vol.11. Pages 345, 381 and 391.

(4) P.A. Molteno, Vol.11, Page 334.

(5) G.H. 23/34 - October 2nd, 1877 No.82 - Frere to Carnarvon.

(6) A.4. 1878 - January 9th, 1878 - Frere to Carnarvon. Page 29

(7) vide Chapter 111. Page 41.

Frere criticised the campaign undertaken by the ministry in the Ngqika location. It had cleared the country of its inhabitants, many cattle had been captured, and many of the enemy slain, but he did not believe that the result had been to check the rebellion and end the war, except by exhaustion and desolation.<sup>(1)</sup> He thought that their duty of loyalty to the government should be made clear to all living within the colony and that the government should undertake the task.<sup>(2)</sup> When Merriman, pressed by excited frontier farmers, had advocated stern measures towards the Ngqika, Frere had pointed out the duty of the government to govern, protect and improve its subjects, not to slay them.<sup>(3)</sup> His policy was a display of force to convince the rebels that their cause was hopeless, to be followed by disarmament.<sup>(4)</sup> Only then would it be possible to govern the Eastern frontier districts in an effective manner.

Yet to argue that the dismissal was caused by the refusal of the colony of reinforcements, is to state only part of the reason, though it may have been the immediate cause of the dismissal since by refusing the troops the ministers merely emphasised their statement that they were prepared to conduct operations and to be responsible for them. The governor disapproved of operations carried on contrary to his advice and the advice of the General which were likely to endanger Imperial troops.<sup>(5)</sup> More particularly he saw that the colonial operations were extending the war, which was at all costs to be avoided,<sup>(5)</sup> lest other colonies should be endangered. The extension of the war was noticeable by the end of January.<sup>(6)</sup> Added to these reasons was the fact that the ministers had consistently opposed Imperial policies since 1875.<sup>(7)</sup> It seems more reasonable to ascribe the dismissal to a combination of these factors than simply to the protest against reinforcements.

The view that the affair in the Thembu location was not serious enough to warrant the dismissal of the ministry has been put forward in support of P.A. Molteno's opinion that

- (1) G.H. 23/34 - February 20th, 1878 - Frere to Hicks-Beach.
- (2) G.H. 23/34 - June 25th, 1878 No.160 - Frere to Hicks-Beach.
- (3) Molteno Papers - November 25th, 1877. Letter, Frere to Molteno, marked Private. Page 91 - 107.
- (4) A.1. 1877.
- (5) A.2. 1878 - January 31st, 1878 - Minute of Frere to Ministers. Page 24.
- (6) A.17. 1878 - January 28th, 1878 - Minute of Frere to Ministers. Page 33.
- (7) vide Chapter VI.

it was caused by the refusal of the troops<sup>(1)</sup> which Frere was planning to use in Natal.

However, the importance of the operation may be gauged from the numbers of men involved. Mr. Hemming, Civil Commissioner of King Williamstown, set out on January 22nd with 373 European and 38 coloured Volunteers.<sup>(2)</sup> He was joined by 50 special constables and 200 natives. After reverses to this force following a sharp encounter on January 24th and reports that the rebellion was spreading, Hemming cabled for arms, ammunition, men and provisions. Colonel Griffith then took command and with Commandant Frost proceeded against the chief whose kraals were reached on February 4th (thus the operations were by no means concluded on February 2nd when the dismissal took place), with Frost were 320 Volunteers and 680 Hfengu. He engaged the enemy of whom 120 were killed. Griffith's force met with stubborn resistance and "great numbers" of the enemy were killed. 2,700 head of cattle and 6,000 sheep and goats were captured.<sup>(2)</sup> The losses of the enemy were estimated at from 180 to 200 and the colonial force operating under Griffith at about 2,000 men altogether by a correspondent from Queenstown.<sup>(2)</sup>

Frere wrote that the operation though commenced as a measure for supporting the police in executing warrants for arrest of persons charged with arson, theft and assault, was really a military operation on a very large scale, the columns of Europeans employed being quite as strong as those usually employed in the present war. Hemming had honestly confessed he had no experience in such matters.<sup>(3)</sup>

Sir A. Cunynghame was "lost in astonishment at all these military operations being undertaken without my knowledge or concurrence" and predicted disaster.<sup>(4)</sup>

It may be remarked that Frere had warned Ministers previously, against illegal action, pointing out the difference between war in Galekaland and war in the colony where actions had to be legally justifiable. Rather significantly he had pointed out that party spirit on the frontier ran high, fanned by the press and the more rapidly a civil war was put

- (1) Archives Year Book, 1942, Vol.11, Page 248. "The First Crisis in Responsible Government in the Cape Colony." P. Lewson - M.A. Thesis, Witwatersrand (1940)
- (2) Imperial Blue Book C.2079 - January 22nd - J. Hemming to J.X. Merriman, page 69. February 4th - Frost to Merriman - February 4th - page 142 - Griffith to Merriman - February 6th - page 143 - Telegraphic News - page 143.
- (3) A.17. 1878 - January 28th, 1878 - Minute of Frere to Ministers. Page 33.
- (4) Imperial Blue Book C.2079 - January 28th, 1878 - Minute of Cunynghame. Page 72.

down, "the greater would be the certainty of some of your colleagues having to answer at the bar for what they had done."<sup>(1)</sup> Griffith himself had doubts whether he might not find himself facing a charge of murder.<sup>(2)</sup>

Frere took advantage of the doubtful legal position of the ministers in conducting large scale operations within the colony in districts where martial law had not been proclaimed, to dismiss them while the operations were in progress.

The real dispute between the Governor and the ministry was over the conduct of the war. Ministers wished to conduct a short sharp campaign with F.A.M. assisted by Volunteers and Burghers whom they could directly control. They considered these forces more efficient for colonial warfare and less expensive than Imperial troops.

Frere deprecated the methods of colonial troops which he thought cruel and likely to exhaust both sides rather than inflict a defeat. He wished to make a decided show of force which would discourage future resistance. His reasons were two - fear lest a dragging or undecided war on the Cape frontier should jeopardise the safety of other South African communities, and the desire to make a vigorous attempt to govern and civilise the enemy.

The best that can be said for the ministers is that as long as they could and whenever their rights seemed to be infringed, they protested lest the Governor should make use of an emergency to carry out policies without their advice.

The crisis of the war demonstrated the close connection between responsible government and responsibility for defence. In the last resort, Britain could bring pressure to bear on the Cape if its policies were such as to endanger other British colonies in South Africa.

(1) Molteno Papers - November 25th, 1877. Frere to Molteno, Page 91 - 107.

(2) A.54. 1878 - Page 56.

CHAPTER VIII.

COMPARISONS.

( If the occasions on which the Cape Government differed seriously from the British Government, are compared, three things are particularly noticeable, the satisfaction which was felt in the Cape about the system of native management there, the Cape desire to remain isolated from the troubles of other regions and the recurrence of the matter of defence as a subject on which different opinions were held.)

In 1872 the Cape was unwilling to inherit a quarrel with the Orange Free State by annexing Griqualand West while the ownership of portions of it was in dispute. Britain was criticised for failing to undertake responsibility for the tribes on the Northern Cape frontier and making the Conventions with the Republic as well as for undertaking responsibility by the reception of Waterboer as a British subject.<sup>(1)</sup> The criticism of British policy suggests complacency. The Cape was unwilling to undertake the government of a territory which it was obvious would be extremely difficult and preferred to reap the advantages of customs dues at her ports and trade with the region while avoiding the cost of administration. Though a Resolution of 1872 had allowed the use of the F.A.M. at the diamond fields, when the responsible ministry declined to annex in 1873, they stipulated that the F.A.M. should be withdrawn from the region.<sup>(2)</sup>

In 1874 though there was sympathy at the Cape when Langalibalele's escape caused alarm in Natal, evinced by the passage of the bill, to imprison the chief on Robben Island, there was determination that no inconvenience should be caused to the Cape by the mistaken system of native management which obtained in Natal. Cape politicians thought the Natal system most unwise and were anxious lest Langalibalele should escape from the mainland and disturbances result on the Eastern frontier and in the Transkei. In other words, the Cape defences might be put to the test

(1) vide Chapter IV.

(2) Barkly Papers - January 14th, 1873 - Minute of Ministers. Page 11.

(3) vide Chapter V.

and Cape involved in expense. This seems to have been a more profound objection to removal from Robben Island than the much advertised question of Imperial interference in the internal affairs of a self-governing colony.

The complacency with which native affairs in the colony and Transkei were viewed is obvious in 1875. There seems to have been a genuine objection to a uniform native policy in South Africa as impracticable, and a definite belief that the appointment of Froude as the Imperial representative at a conference meant that the systems of the Republics were favoured rather than that of the Cape. However, approval of the Cape policy was implied by the changes brought about by Wolseley in native affairs in Natal, since they tended to bring the system there into line with that in the Cape.<sup>(1)</sup> It was a rare moment of humility when ministers protested that though their system might not be perfect, development should be along the lines which had been followed for the past 20 years. Cape desire to retain their tradition can also be seen in 1877 when objection was made to the draft of the Permissive Federation Bill on the grounds that to disfranchise natives who held the Cape franchise would be a hardship.<sup>(2)</sup>

The Cape desire to remain independent of the responsibility for native affairs in Natal is apparent in the refusal to take part in the conference of 1875. In particular the defence of Natal was to be avoided. The Cape would not undertake to pay the possible cost of the new British policy. Once again the desire to avoid payment for defence lies at the base of protests against British interference and the unconstitutional proceedings of Mr. Froude.<sup>(3)</sup>

A change came in 1877 when war demonstrated the lack of success of native policy in the Cape. Frere, the British representative, could now criticise Cape methods of carrying out the policy inaugurated by Sir George Grey, and it had to be admitted that there had been faults. It would seem that lack of vigour in carrying out the policy was admitted, but not that the system might have inherent defects. The settlement after the war, for example, the sale of the

(1) Walker - Page 364.

(2) vide Chapter VI. Page 77.

(3) vide Chapter VI. Page 72.

Ngqika lands in the colony to Europeans and the removal of the Ngqika to Galekaland where frontier quarrels had led to the war of 1877, shows that the same policy was favoured after the war, which had been responsible for it.<sup>(1)</sup>

The attitude of the Cape ministry to the problem of the war also illustrates their desire to remain an isolated community. Frere's understanding of the connection between the war on the Eastern frontier and the situation in Natal and the Transvaal does not seem to have been appreciated by the ministry who were determined in January 1878 to conduct the war without co-operation with the military authorities, by methods which had been proved inefficient in the Galekaland campaign.<sup>(2)</sup>

The exchange of opinions on Cape defence in 1876 when war seemed likely on the Eastern frontier may be considered a prelude to the later situation. In 1876 the Secretary of State doubted whether the defences were adequate. His doubts were justified in 1877 when Frere had occasion to criticise the F.A.M., the Burghers and Volunteers.<sup>(3)</sup>

The emergency created by civil war in the Colony at the same time as a second Transkeian campaign had to be undertaken, led to open disagreement between the Governor and ministers over matters of defence, and the dismissal of the ministry. Protests against dictatorial action on the part of the Governor which violated the constitutional rights of a responsible ministry were closely linked with the colonial desire to limit expense. The Governor's policy was seen to be costly.<sup>(4)</sup> The impression obtained is that the Cape government used the matter of native policy as an excuse to oppose British policies which might entail expense. This is particularly evident in the specious remarks made about the gun trade and the improbability of native combinations, in reply to the invitation to take part in a conference in 1875, and in the unwillingness to federate with other regions.<sup>(5)</sup> Since the Cape system of native policy had benefited colonists at least as much as natives, it cannot be maintained that the desire to continue the tradition

- (1) vide Chapter 11 - Page 27.
- (2) vide Chapter VII - Page 95.
- (3) vide Chapter 111 - Page 41.
- (4) vide Chapter VII - Page 86.
- (5) vide Chapter VI -



was activated by a particular feeling for native needs. In their labour to civilise and give justice to tribes within the colony and beyond, many individuals, for example Brownlee and magistrates, despite the criticisms of Frere, were diligent; but since the government did not boldly confront the task of frontier administration and defence, with the result that some tribes even retrogressed in civilisation, the opposition of the Molteno ministry cannot be defended on the grounds that British plans might have changed a satisfactory state of affairs.<sup>(1)</sup>

It is possible to indicate by reference to the four crisis points the increasing pressure which Britain brought to bear on the Cape colony in her desire to be relieved of the expense of retaining troops in South Africa, in other words, to make the colonists responsible for native policy in South Africa. It is also noticeable that the British government by 1875 was realising that Britain could not abandon her re-eminent position in South Africa and by 1876 was realising that she would still have to provide for internal defence even if federation were achieved.

In 1872 a Liberal government hoped to be relieved of the burden of Cape defence by granting responsible government and leaving the Cape to decide its own policies and provide for its defence. Federation would make conditions safer in the Cape as the Republics would not be free to decide their own native policies, and federation would relieve Britain of the expense of Natal. Republican expansion had been checked by the annexation of Griqualand West in 1871, by its incorporation in the Cape, Britain would be spared the expense of governing the territory. However, the responsible ministry refused to take over Griqualand West and Britain was unable to withdraw troops in 1872. But her desire to withdraw from responsibility for Cape affairs is apparent in the approval of the Secretary of State of Barkly's view of the High Commission.

A change of attitude is noticeable under the Conservative government which took office in 1874, when Carnarvon obliged the Cape to do his bidding about the imprisonment of Langalibalele and relations became strained on this account.<sup>(2)</sup>

{1} vide Chapter 11.

{2} vide Chapter V - Page 57.

When the Cape was able to reject the British plan to hold a conference to discuss native affairs and federation - matters becoming pressing because of changes among the natives in South Africa - it began to seem that responsible government would prevent the result it was intended to secure. Colonial-Imperial relations were embittered by what seemed autocratic and unconstitutional expedients on the part of the Secretary of State, to the colonists, and means to bring about a policy which was essential if native wars were to be avoided, to the Secretary of State, concerned lest Britain should be made to pay for policies she could not control.

The censure of Barkly in 1875 for misunderstanding his position of High Commissioner indicates the British desire to exert a positive influence in South African affairs. The aim in view was still to remove onto the colonists the burden of administering Griqualand West and providing for the defence of Natal, after making arrangements which would make for the safety of the South African states and colonies. The approval of Froude's campaign indicates the belief of Carnarvon that responsible government had been granted too soon to the Cape colony. A responsible ministry was not to be able to baulk an Imperial policy with impunity. British intervention in South African affairs continued with the pursuit of the plan for a federal state after 1876, in the annexation of the Transvaal Republics, and the revival of the plan for a conference under Sir Bartle Frere. Federation in 1877 would not eliminate British influence, since Britain was to retain control of native affairs and defence.<sup>(1)</sup>

( The approval of Frere's dismissal of the ministry in 1878 on the grounds of the High Commission which he held is evidence of the British sense of responsibility for South African affairs at this date and the desire to minimise the independence of the Cape. By failing to make adequate provision for defence the Molteno ministry gave the Governor an excuse to obtain other ministers who might be more amenable to Imperial policies.)

The friction between the Colonial and Imperial governments arose from the anomaly of a self-governing community irresponsible for its policies since it had not

(1) vide Chapter VI.

(2) vide Chapter VII.

assumed full responsibility for its defence. The military and numerical strength of the natives in South Africa made it essential that Britain should provide troops if the Cape forces were inadequate, if only for the sake of other colonies. In such circumstances Britain was prepared to coerce the Cape despite the protests of responsible ministers that such action was unconstitutional.

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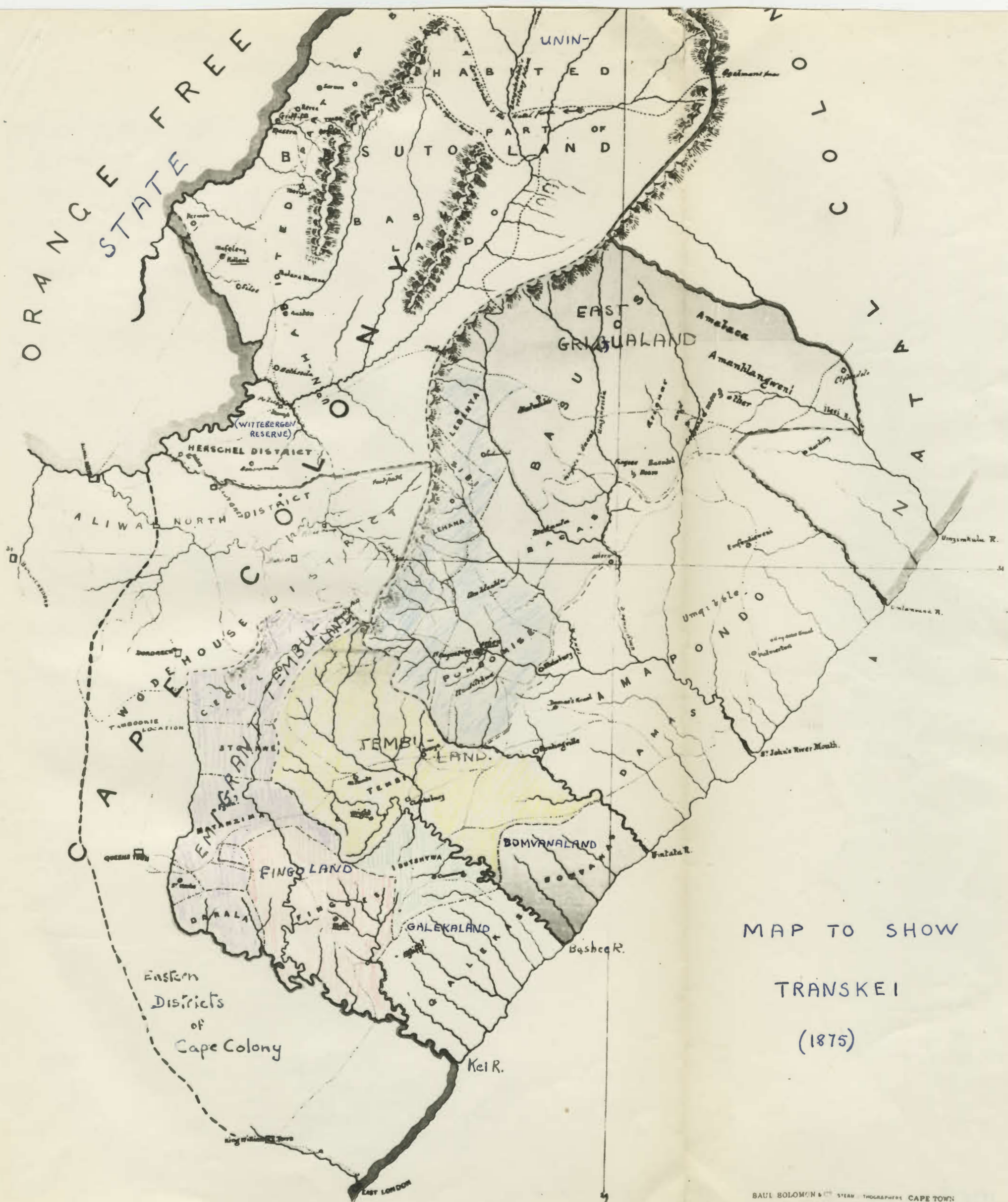
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